



YUMA COUNTY BOARD OF ADJUSTMENT MEETING PUBLIC NOTICE & AGENDA

DATE: July 21, 2015
TIME: 1:00 P.M.
PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

MEMBERS: Charles Saltzer, Chairman, Dist. 2
Joe Harper, Vice-Chairman, Dist. 4
Ron Rice, Dist. 1
Neil Tucker, Dist. 3
Tim Eisenmann, Dist. 5

STAFF: Maggie Castro, Planning Director
Javier Barraza, Senior Planner
Marilu Garcia, Associate Planner
Melissa Manzo-Palacios, Office Specialist III

ADVISORS: Diana Gomez, Director, County Health District

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of the Board of Adjustment meeting minutes from May 19, 2015.**
4. **Variance Case No. 15-07:** Jesse and Rut Dorame request a variance from the Yuma County Zoning Ordinance, Section 601.05 (Plate V-2)-Minimum Lot Width and Principal Buildings Setback Requirements, to reduce the minimum lot width to 214 feet for a property 6.46 gross acres in size zoned Rural Area-5 acre minimum (RA-5), Assessor's Parcel Number 765-22-007, located on the south side of County 18½ Street approximately 900 feet west of Avenue 3½E, Yuma, AZ. Located in the 70-75 dB noise zone.
5. **Variance Case No. 15-08:** Keith Fisher, agent for Estella L. & David A. Lara, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B)-Wireless Communication Facilities Height and Setback Requirements, to allow an increase of the maximum height allowed for a proposed wireless communication tower to 190 feet, allow a front yard setback of 117 feet, allow an east side yard setback of 20 feet, allow a west side yard setback of 30 feet and allow a rear yard setback of 20 feet on a parcel 9,000 net square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-05-032, located at 2403 West 8th Place, Yuma, Arizona.
6. **Variance Case No. 15-10:** Keith Fisher, agent for McCloud Enterprises LLC, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B)—Wireless Communication Facilities Height and Setback requirements, to allow a rear yard setback of 20 feet on a parcel 118,086 square feet in size zoned General Commercial (C-2), Assessor's Parcel Number (APN) 701-60-090, located at 12835 East 38th Street, Yuma, Arizona.

7. Adjourn.

Note: For further information about this public hearing/meeting, please contact Maggie Castro, Planning Director, phone number (928) 817-5173; or e-mail contactdds@yumacountvaz.gov or TDD/TTY (Arizona Relay Service): call in 1-800-367-8939, call back 1-800-842-4681. Individuals with special accessibility needs should contact the individual indicated above before the hearing/meeting with special need requirements.

Note: The Board may vote to hold an Executive Session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, pursuant to A.R.S. §38-431(A)(3).

Yuma County Board of Adjustment

July 21, 2015

Item No. 3

YUMA COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

DATE: Tuesday, May 19, 2015

PLACE: Aldrich Auditorium, 2351 West 26th St., Yuma, AZ

1. Call to Order the Regular Session of the Yuma County Board of Adjustment and roll call to verify quorum.

Chairman Saltzer convened the Board of Adjustment meeting to order at 1:00 p.m. Members present were Chairman Charles Saltzer, Tim Eisenmann, Ron Rice and Neil Tucker.

Others present: Planning Director Maggie Castro, Associate Planner Marilu Garcia, Office Specialist III Melissa Manzo-Palacios, and Office Specialist III Choo Kelly.

2. Pledge of Allegiance.

Chairman Saltzer led the Pledge of Allegiance.

3. Approval of Board of Adjustment regular meeting minutes of March 17, 2015.

Mr. Rice made a motion recommending approval of the Board of Adjustment regular meeting minutes of March 17, 2015. Mr. Eisenmann seconded the motion. The motion carried 4-0

4. Variance Case No. 15-04: Gregg Wahl, agent for Norton S. Karno, requests a Variance from the Yuma County Zoning Ordinance, Section 610.06—Maximum Height Allowance, to increase the maximum height to 30 feet on a parcel 9.15 acres in size zoned Recreational Vehicle Park (RVP), Assessor's Parcel Number 701-38-004, located at 13502 East North Frontage Road, Yuma, Arizona.

Staff recommends approval of Variance Case No. 15-04 based on:

1. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of a variance.
2. Staff finds granting this variance will not have an adverse effect upon the health, safety and welfare of the public.
3. Staff finds the approval of this request will not have a negative impact on the neighborhood.

If the Board approves this Variance, staff recommends the following conditions:

Board of Adjustment
Regular Meeting Minutes – May 19, 2015

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. An avigation disclosure statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.

Chairman Saltzer opened the public hearing.

Marc Franklin, 1942 Port Albans Place, Newport Beach, California, stated he manages the resort division for Cal-Am Properties. Cal-Am Properties owns a total of 10 resorts in Arizona; two of which are in Yuma. A new sports facility and equipment have been replaced without the need of variances as part of the updating intended for the RV park. The next phase of updating includes building a \$2,000,000 ballroom. The former structure in place was built in the mid 1970's and is no longer adequate to accommodate the needs and vision of the current resort. According to the design plans, the height of the structure will go over the maximum height by 10 feet. Since the ballroom will sit 12 feet below the freeway, it will not appear as a significant variance to the current appearance of surrounding structures.

Mr. Eisenmann asked what the proposed dimensions of the ballroom are. Mr. Franklin said the actual ballroom will be 8,500 square feet (140' by 80'). The total square footage of the building will be 14,500 square feet. The variance will be exclusively for the ballroom portion of the building.

Chairman Saltzer closed the public hearing.

Mr. Tucker made a motion to approve Variance Case No. 15-04 subject to all the staff recommendations. Mr. Rice seconded the motion. The motion carried 4-0.

- 5. Variance Case No. 15-06:** Gregg Wahl, agent for Norton S. Karno requests a Variance from the Yuma County Zoning Ordinance, Section 610.09 (2) —Minimum Development Standards, to reduce the required number of pull through parking spaces to two spaces and reduce the required number of parking spaces to 17 spaces on a parcel 9.5 acres in size zoned Recreational Vehicle Park (RVP), Assessor's Parcel Number (APN) 701-38-004, located at 13502 East North Frontage Road, Yuma, Arizona.

Staff recommended denial of Variance Case No. 15-06 based on:

1. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance.
2. Staff finds granting this variance will confer a special privilege not enjoyed by others in the RVP zoning district.
3. Staff finds the condition self-imposed

If the Board approves this Variance, staff recommends the following conditions:

1. This variance is valid for the time limits outlined in Section 403. 07 of the Zoning Ordinance.

Mr. Eisenmann asked if some golf course parking spaces were deleted from the previous site plan identified. Marilu Garcia responded that the applicant is

Board of Adjustment
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requesting to incorporate additional parking along East Cholla and removing parking previously requested along the patio area of the recreational complex. Planning Director Maggie Castro clarified that the applicant has stated that if this variance request is denied, they intend on moving forward with the next, Variance Case No. 15-06, to allow golf cart parking along the patio area.

Chairman Saltzer opened the public hearing.

Marc Franklin, 1942 Port Albans Place, Newport Beach, California, said this variance is dealing with two different types of parking; RV pull through and the ballroom parking. The schematic shows the Sundance RV property built in the mid 1970's when pull through parking were not required. There are 450 sites of which only 150 are available for seasonal rental. Three hundred sites have stationary park models installed. The available sites are 25 to 30 feet deep. The high season has about 50 days ranging from November to December. The average daily check in arrival would be roughly 3 guests. It is highly unlikely for three guests to arrive at precisely the same time. Cal-Am Properties suggests two pull through sites rather than the 3 should be sufficient. Most guests are recurring so they already know what site they will pull into which eliminates the need to go to the front office and use the pull through.

Chairman Saltzer asked what a typical pull through guest would do. Mr. Franklin responded by using his site plan map as visual that a new person would pull in and park in the pull through space near the front office and then walk over to the office to retrieve a map of the park with the specified site along with payment. Next, they would get in their vehicle and park in their assigned spot. The RV Park has full circulation available so guests would not need to back up if they missed their spot.

Mr. Tucker asked if the ballroom is anticipated to attract outside traffic to the RV park. Mr. Franklin answered that the ballroom is meant to be used for RV guests only. The public cannot rent this venue.

Mr. Eisenmann suggested parking spaces across the street near the main office could be used for parking. Mr. Franklin advised those lots will not remain vacant. Maintenance shop and Manager's quarters will be built there.

Chairman Saltzer closed the public hearing.

Charles Saltzer stated two pull through sites would be sufficient for the operation of this park. He understands the staff recommendations but favors the applicant's expertise. He foresees the parking will not be an issue.

Mr. Rice stated that he agrees with Mr. Saltzer. These parking requirements were made so long ago they are maybe obsolete. He can't see any reason to deny this variance.

Mr. Eisenmann supports the recommendations for closer parking spaces to the ballroom. The developer should be looking for more accessibility to the people.

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Mr. Rice made a motion to approve Variance Case No. 15-06 Variance from the Yuma County Zoning Ordinance, Section 610.09 (2) —Minimum Development Standards, to reduce the required number of pull through parking spaces to two spaces and reduce the required number of parking spaces to 17 spaces on a parcel 9.5 acres in size zoned Recreational Vehicle Park (RVP), Assessor's Parcel Number (APN) 701-38-004, located at 13502 East North Frontage Road, Yuma, Arizona.

Mr. Tucker seconded the motion. The motion carried 3-1, Mr. Eisenmann voting nay.

6. **Variance Case No. 15-05:** Gregg Wahl, agent for Norton S. Karno, requests a Variance from the Yuma County Zoning Ordinance, Section 903.00 — Parking Space Dimensions, to decrease the required parking space dimensions to five feet wide by ten feet long on a parcel 9.5 acres in size zoned Recreational Vehicle Park (RVP), Assessor's Parcel Number (APN) 701-38-004, located at 13502 East North Frontage Road, Yuma, Arizona.

Case withdrawn by Applicant.

7. **Adjourn.**

The meeting adjourned at 1:47 p.m.

These minutes were approved and accepted on this 21st day of July, 2015.

Witness:
Charles Saltzer
Chairman

Attest:
Maggie Castro
Planning Director

Yuma County Board of Adjustment

July 21, 2015

Item No. 4

AIR-6455

BOA Agenda

Meeting Date: 07/21/2015

Submitted For: Maggie Castro

Submitted By: Marilu
Garcia

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-07: Jesse and Rut Dorame request a variance from the Yuma County Zoning Ordinance, Section 601.05 (Plate V-2)-Minimum Lot Width and Principal Buildings Setback Requirements, to reduce the minimum lot width to 214 feet for a property 6.46 gross acres in size zoned Rural Area-5 acre minimum (RA-5), Assessor's Parcel Number 765-22-007, located on the south side of County 18½ Street approximately 900 feet west of Avenue 3½E, Yuma, AZ. Located in the 70-75 dB noise zone.

2. INTENT:

To allow a reduction of the minimum lot width to 214 feet where 220 feet is required. The property is intended to be used as a residence.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 15-07 based on:

1. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
 2. Approval of this variance does not have an adverse effect on public health, safety, and welfare.
 3. Staff finds the condition is not self-imposed
-

Attachments

Staff Report
Vicinity Map
Site Plan

Comments
Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
July 21, 2014
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-07

OWNER: Jesse & Rut Dorame

CASE PLANNER: Marilu Garcia, Associate Planner

DATE PREPARED: June 17, 2015

DESCRIPTION OF REQUEST: Jesse and Rut Dorame requests a variance from the Yuma County Zoning Ordinance, Section 601.05 (Plate V-2)-Minimum Lot Width and Principal Buildings Setback Requirements, to reduce the minimum lot width to 214 feet for a property 6.46 gross acres in size zoned Rural Area-5 acre minimum (RA-5), Assessor's Parcel Number 765-22-007, located on the south side of County 18½ Street approximately 900 feet west of Avenue 3½E, Yuma, AZ. Located in the 70-75 dB noise zone.

THE APPLICANT S REASON FOR REQUESTING THIS VARIANCE: This variance is requested to allow the placement of a manufactured home to raise a family. The property itself is 6.49 acres in size which is larger than the 5 acres required for this zoning district. We are at 214 feet in lot width and need to be at 220 feet in width. We are requesting the reduction of six feet of width.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The following deviation from the Zoning Ordinance:

- 1) A reduction of the minimum lot width to 214 feet where 220 feet is required.

BACKGROUND

The subject property is zoned Rural Area-5 acre minimum (RA-5) and is currently vacant. The property is located within the 70-75 dB noise zone for Auxiliary Airfield-2 (AUX-2) and approximately ½ mile from the Barry M. Goldwater Range. The applicant requests this variance in order to be able to install a manufactured home as the principal residence.

In 1997, the parent parcel (ten gross acres in size) was rezoned from Rural Area-10 acre minimum (RA-10) to RA-5 with Rezoning Case No. 97-37. The request was to change the zoning district from RA-10 to Suburban Ranch-2 acre minimum (SR-2). However, the Board of Supervisors approved RA-5 zoning instead of the requested zoning. The RA-5 zoning became effective on September 18, 1997.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variances under section 403.02 shall be granted only when, because of peculiar conditions applicable to the property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district.*

Staff finds there are no peculiar conditions applicable to the subject property. The lot is flat and the topography is not unusual. However, prior to 2006 properties were split without a Land Division Permit which created a hardship for individuals who were not aware of the zoning specifications and purchased substandard lots without knowing it. The subject property was purchased by the applicant without knowledge that the property did not meet the minimum lot width requirements of the RA-5 district.

- B. *Variances are available only in cases where there is a hardship arising from conditions or circumstances unique to the development of a particular piece of land, not from personal considerations, personal convenience or financial hardships.*

Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property. The applicant purchased the parcel without knowing the lot did not meet the lot width requirements.

- C. *Any motion to grant a Variance by the Board of Adjustment shall include specific peculiar conditions applicable to the property, which exist to cause granting of a Variance.*

Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance. However, the subject property was developed as a substandard lot and the current owner is not able to develop the property.

- D. *A variance shall not be granted which will have an adverse effect on public health, safety and welfare.*

Staff finds approval of this variance does not have an adverse effect on public health, safety, and welfare. If this variance is approved, the applicant intends to place a manufactured home as a residence on the subject property. The zoning for this district allows for one single-family dwelling unit including site-built, factory-built or manufactured home. Even though the property lacks six feet of lot width, it meets the required lot size for this district and is able to meet the minimum setback requirements specified in the

Yuma County Zoning Ordinance (YCZO).

Section 706.07 of the YCZO specifies that properties in the 70-75 dB noise zone are allowed to have a single family residence if the zoning was approved on or before December 31, 2000. The RA-5 zoning district was established in 1997 with Rezoning Case No. 97-37.

- E. A variance shall not be granted if, in granting the variances a special privilege not commonly enjoyed by others in the zoning district will be conferred, or have a negative impact on the neighborhood.*

Granting this variance to allow a reduction of the required minimum lot width will confer a special privilege not enjoyed by others in the RA-5 zoning district. However, staff finds that approval of this variance will not have a negative impact on the neighborhood.

- F. The Board of Adjustment may require appropriate conditions or safeguards on any granted variances so that public health, safety and welfare are not compromised.*

Staff is recommending that if approved, this variance include the attached conditions as a means of addressing concerns of public health, safety, and welfare.

- G. Variances shall not be granted if the condition is self-imposed or if a reasonable use of the land can be made in an alternative development scheme without the variance.*

Staff finds the condition is not self-imposed. The parcel initially consisted of two deficient parcels that have since been combined by the applicant in order to meet the minimum lot size requirements. The applicant purchased the two lots without knowing that they did not meet the lot width and size requirements. The applicant mitigated the deficient lot sizes by combining them. An alternative is to rezone the property. However, the previous rezoning request (RZ97-37) for the parent parcel for SR-2 zoning was changed by the Board of Supervisors and rezoned the property to RA-5 instead. The vicinity is composed of parcels greater than five acres in size and rezoning to smaller parcels may not be in character with the community.

- H. The fact that there are non-conforming uses of neighborhood lands, structures or buildings, in the same zoning district shall not be considered grounds for issuance of a variance.*

Staff's recommendation is not based on non-conforming uses of neighborhood lands, structures or buildings in the same zoning district. Since 1997, there have been four cases relating to the reduction of lot widths.

- Variance Case No. 12-08 was requested to allow the reduction of the required lot width from 60 feet to 50 feet for a property zoned Low Density Residential 6,000 square feet minimum (R-1-6) and Medium Density Residential (R-2). Staff recommended approval and the case was approved by the Board of Adjustment.
- Variance Case No. 97-09 was requested to allow a lot width of 30 feet 8 inches where 40 feet is

required for a property zoned Recreational Vehicle Subdivision (RVS). Staff recommended denial and the case was denied by the Board of Adjustment.

- Variance Case No. 97-10 was requested to allow a lot width of 12 feet and five and one half inches where 40 feet is requested for a property zoned RVS. Staff recommended denial and the case was denied by the Board of Adjustment.
- Variance Case No. 97-12 was requested to allow a lot width of 16 feet where 40 feet is required on a property zoned RVS. Staff recommended denial and the case was denied by the Board of Adjustment.

ADDITIONAL COMMENTS:

Paula L. Backs, MCAS: Noise level reduction standards must be incorporated into the structure and only one dwelling unit is allowed on the property. It is required that aviation and range disclosure statements be recorded that recognize the noise, interference, and vibrations that maybe generated from aviation activities at AUX-2 and within the BMGR.

Gen Grosse, Yuma County Airport Authority: FAA order 1050-1E Noise Impact, the facility is not recommended. Should the project continue, it is recommended to incorporate appropriate sound attenuation and complete an aviation easement recognizing the noise, interference and vibrations generated due to aviation activities performed at Yuma International Airport/Marine Corps Air Station, Yuma.

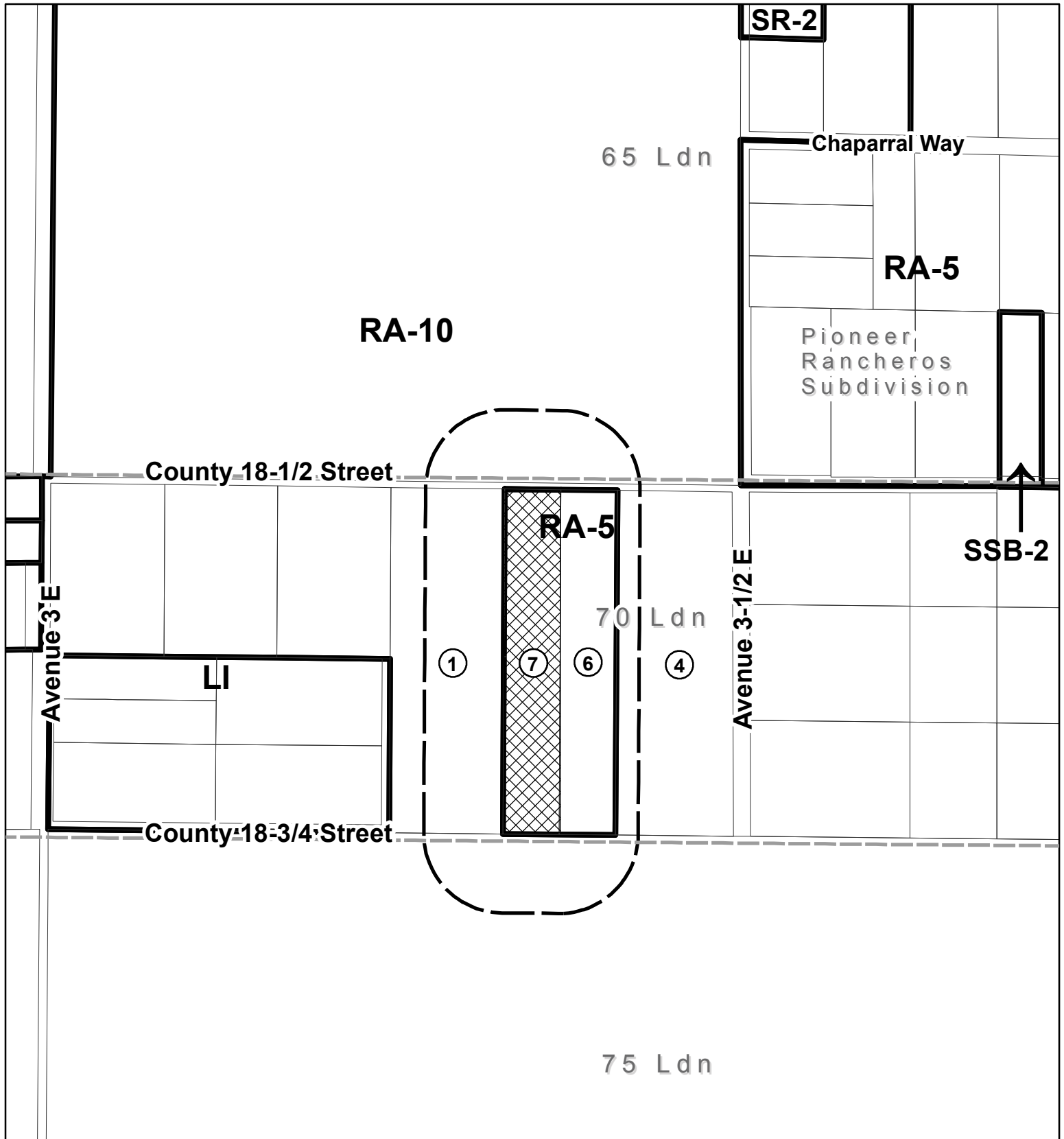
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 15-07 based on:

1. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
2. Approval of this variance does not have an adverse effect on public health, safety, and welfare.
3. Staff finds the condition is not self-imposed

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This Variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. The owner shall record the following disclosure statements within 60 days of Board of Adjustment approval of this variance case and submit them to the Department of Development Services:
 - a. An avigation disclosure statement.
 - b. A range disclosure statement.



**DEPARTMENT OF
DEVELOPMENT
SERVICES**

PLANNING & ZONING DIVISION
2351 W. 26TH STREET
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO:
LOCATION:
APN:

V15-07
Section: 13 Township: 10S
Range: 23W
765-22-007

Case Planner: Marilu Garcia
Drawn On 05-27-2015

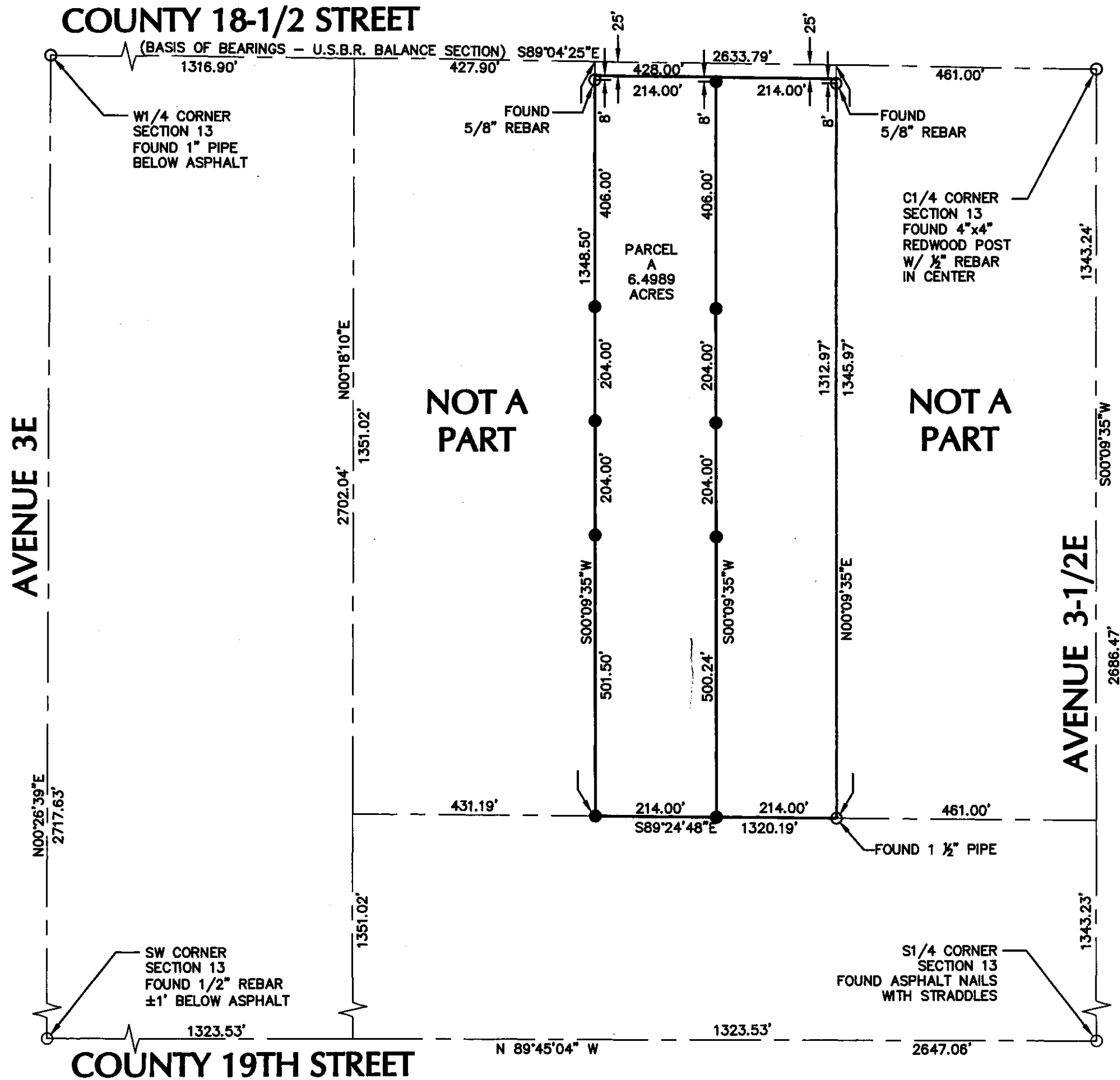
SCALE
1" = 500'



Legend

- Subject Property
- 300' Notification Area
- Noise Zone

L:\Jobs\2007\07-054 Dorame Parcel Survey Split\DWGS\07-054 Dorame 2007 Parcel Survey and Split.dwg, 11 X 17, 3/16/2007 6:34:34 AM, mgreite



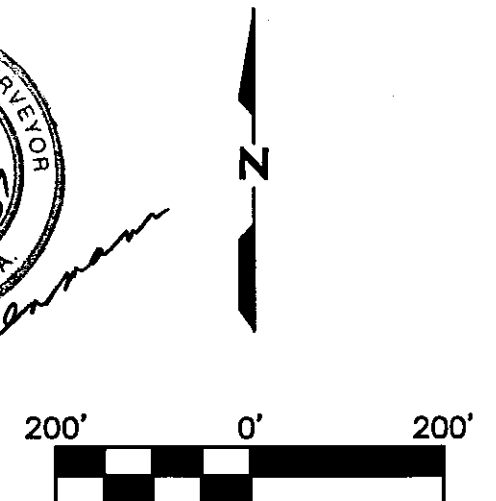
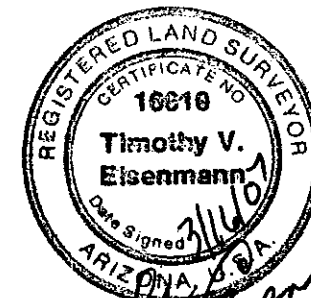
LEGAL DESCRIPTION - PARCEL A

The West 214.00 feet of the East 889.00 feet of the Northeast quarter of the Southwest quarter (NE1/4 SW1/4), Section Thirteen (13), Township Ten (10) South, Range Twenty-three (23) West, Gila and Salt River Base and Meridian, Yuma County, Arizona;

Except the North 25 feet thereof.

LEGEND

- FOUND SURVEY MONUMENT AS NOTED
- SET 1/2" REBAR W/ CAP LS 16810 (UNLESS OTHERWISE NOTED)
- EXISTING CENTERLINE
- EXISTING LOT/PROPERTY LINE



DORAME PARCEL SURVEY/SPLIT

BOUNDARY SURVEY OF A PORTION OF
SECTION 13, T.10 S., R.23 W., G.A.S.R.M.,
YUMA COUNTY, ARIZONA



Nicklaus Engineering Inc.
1851 West 24th Street P.O. Box 6029
YUMA, ARIZONA 86384 (928)344-8374
Email: nei@nelaw.com

SCALE: AS SHOWN
DATE: FEB., 2007
DES. BY: TVE
DRAWN BY: DEH
SURVEYED BY: RS
JOB. No.: 07-054
FILE No.: VII-E-41

SHEET 1
OF 1



YUMA COUNTY Planning &
Zoning Division REQUEST
FOR COMMENTS

May 29, 2014

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a no comment response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-07: Jesse and Rut Dorame requests a variance from the Yuma County Zoning Ordinance, Section 601.05 (Plate VI-2) Minimum Lot Width & Principal Buildings Setback Requirements, to allow the reduction of the required minimum lot width on a property 6.46 acres in size zoned Rural Area - 5 acres minimum (RA-5). The Assessor's Parcel Numbers (APNs) include 765-22-002 and 765-22-005, located within the unincorporated area of Yuma County. Both parcels are being treated as one property as they are in the process of being combined. Assessor's Parcel number 765-22-002 was created in 2003 through a split and the lot remained vacant. At that time, Planning and Zoning did not require a land division permit. However, after 2006 a land division permit process was established to ovoid problems with deficient lot sizes and widths. In 2014, Assessor's Parcel number 765-22-005 was created by the same owner through another split without a land division permit as the owner was not aware of the procedure. The applicant is in the process of combining the two parcels to meet the minimum lot size for this zoning district and requests this variance to allow the reduction of the lot width requirement to place a dwelling. This property is located within the 70 dB noise zone.

The applicant submitted the following intended use in the application: This variance is requested to allow the placement a manufactured home to raise a family. The property itself is 6.49 acres in size which is larger than the 5 acres required. We are at 214 feet lot width and need to be at 220 feet in width. We are requesting the reduction of six feet of width.

PUBLIC HEARING: July 21, 2015

COMMENTS DUE: June 4, 2015

☒ X COMMENT

☐ NO COMMENT

The property is located within the 70-75 dB DNL noise contour for Auxiliary Airfield 2 (AUX-2) and approximately ½ mile from the Barry M. Goldwater Range (BMGR). Noise level reduction standards must be incorporated into the structure and only one dwelling unit is allowed on the property. It is required that aviation and range disclosure statements be recorded that recognize the noise, interference, and vibrations that may be generated from aviation activities at Aux-2 and within the BMGR. Please email copies of the recorded disclosure statements to Paula.backs@usmc.mil. Thank you for the opportunity to comment.

6/5/2015

DATE: _____

NAME: _____

Paula L. Backs, MCAS YUMA AZ

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Marilu.garcia@yumacountyaz.gov



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

May 29, 2014

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a “no comment” response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-07: Jesse and Rut Dorame requests a variance from the Yuma County Zoning Ordinance, Section 601.05 (Plate VI-2) — Minimum Lot Width & Principal Buildings Setback Requirements, to allow the reduction of the required minimum lot width on a property 6.46 acres in size zoned Rural Area - 5 acres minimum (RA-5). The Assessor's Parcel Numbers (APNs) include 765-22-002 and 765-22-005, located within the unincorporated area of Yuma County. Both parcels are being treated as one property as they are in the process of being combined. Assessor's Parcel number 765-22-002 was created in 2003 through a split and the lot remained vacant. At that time, Planning and Zoning did not require a land division permit. However, after 2006 a land division permit process was established to ovoid problems with deficient lot sizes and widths. In 2014, Assessor's Parcel number 765-22-005 was created by the same owner through another split without a land division permit as the owner was not aware of the procedure. The applicant is in the process of combining the two parcels to meet the minimum lot size for this zoning district and requests this variance to allow the reduction of the lot width requirement to place a dwelling. This property is located within the 70 dB noise zone.

The applicant submitted the following intended use in the application: This variance is requested to allow the placement a manufactured home to raise a family. The property itself is 6.49 acres in size which is larger than the 5 acres required. We are at 214 feet lot width and need to be at 220 feet in width. We are requesting the reduction of six feet of width.

PUBLIC HEARING: July 21, 2015

COMMENTS DUE: June 4, 2015

 x COMMENT NO COMMENT

The site is located within the 70 dB noise zone. According to FAA Order 1050-1E Noise Impact, the facility is not recommended. Should the project continue, it is recommended to incorporate appropriate sound attenuation and complete an avigation easement recognizing the noise, interference and vibrations generated due to aviation activities performed at Yuma International Airport/Marine Corps Air Station Yuma. Thank you.

DATE: 6/2/15 NAME: Gen Grosse, Yuma County Airport Authority

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Marilu.garcia@yumacountyaz.gov

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND

Land Use	Yearly day-night average sound level (L _{dn}) in decibels					
	< 65	65-70	70-75	75-80	80-85	> 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals, nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail- building materials, hardware and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N
Numbers in parenthesis refer to notes; see continuation of Table 1 for notes and key.						
The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.						
(more)						

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS (CONTINUED)

Key to Table 1	
Y (YES)	Land Use and related structures compatible without restrictions.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.
Notes for Table 1	
(1)	Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
(2)	Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(3)	Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(4)	Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(5)	Land use compatible provided special sound reinforcement systems are installed.
(6)	Residential buildings require an NLR of 25.
(7)	Residential buildings require an NLR of 30.
(8)	Residential buildings not permitted.
(end of Table 1)	

Yuma County Board of Adjustment

July 21, 2015

Item No. 5

AIR-6456

BOA Agenda

Meeting Date: 07/21/2015

Submitted For: Maggie Castro

Submitted By: Marilu
Garcia

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-08: Keith Fisher, agent for Estella L. & David A. Lara, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B)-Wireless Communication Facilities Height and Setback Requirements, to allow an increase of the maximum height allowed for a proposed wireless communication tower to 190 feet, allow a front yard setback of 117 feet, allow an east side yard setback of 20 feet, allow a west side yard setback of 30 feet and allow a rear yard setback of 20 feet on a parcel 9,000 net square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-05-032, located at 2403 West 8th Place, Yuma, Arizona.

2. INTENT:

APPROVAL OF THIS REQUEST WOULD ALLOW:

The proposed wireless communication facility with the following deviations from the Zoning Ordinance,

- 1) An increase of the maximum height allowed to 190 feet where 150 feet are required;
- 2) A reduction of the front setback to 117 feet where 175 are required;
- 3) A reduction of the east side yard setback to 20 feet where 160 feet are required;
- 4) A reduction of the west side yard setback to 30 feet where 160 feet are required;
- 4) A reduction of the rear yard setback to 20 feet where 165 feet are required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends denial of Variance Case No. 15-08 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property
2. Approval of this variance may have an adverse effect on public health, safety, and welfare.
3. Staff finds the condition is self-imposed.

Attachments

Staff Report

Vicinity Map

Site Plan

Applicant Justification

Comments

Comments

Comments

Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
July 21, 2014
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-08

OWNER: Estella L. & David A. Lara Trust

CASE PLANNER: Marilu Garcia, Associate Planner

DATE PREPARED: June 17, 2015

DESCRIPTION OF REQUEST: Keith Fisher, agent for Estella L. & David A. Lara Trust, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B) Wireless Communication Facilities Height and Setback Requirements, to allow an increase of the maximum height allowed for a proposed wireless communication tower to 190 feet, allow a front yard setback of 117 feet, allow an east side yard setback of 20 feet, allow a west side yard setback of 30 feet and allow a rear yard setback of 20 feet on a parcel 9,000 net square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-05-032, located at 2403 West 8th Place, Yuma, Arizona.

THE APPLICANT S REASON FOR REQUESTING THIS VARIANCE: This Variance is requested to allow the approval for construction of a new 190 foot tower in Yuma County, Arizona. Alternatives have been investigated and eliminated. The proposed site meets all engineering, interference, and colocation constraints. Cleartalk is currently running out of capacity on existing Yuma sites as customer data usage continues to increase. The system voice and data capacity is also reaching a saturation point. Additionally, Cleartalk is not able to add additional hardware to the existing Crane School site since it cannot launch Long Time Evolution (LTE) service on site due to loading concerns. The new site would be able to handle all of the current and future antenna and radio loads. The new site would also give Cleartalk the flexibility to stop using the existing Crane School site if necessary. With the new site in place, Cleartalk could add some additional sectors and adjust antennas to compensate for the loss of the Crane School site.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The proposed structure with the following deviations from the Zoning Ordinance,

- 1) An increase of the maximum height allowed to 190 feet where 150 feet are required;
- 2) A reduction of the front setback to 117 feet where 175 are required;
- 3) A reduction of the east side yard setback to 20 feet where 160 feet are required;
- 4) A reduction of the west side yard setback to 30 feet where 160 feet are required;
- 4) A reduction of the rear yard setback to 20 feet where 165 feet are required.

BACKGROUND

The subject property is located within Smith's Subdivision, specified as lots 9 and 10 of Marable Subdivision. The subdivision was recorded on April 1, 1926 and is zoned Local Commercial (C-1). The property is currently vacant, located within the territory in the vicinity of a military airport and borders the City of Yuma. The agent, working for NTCH-CA in association with Flat Wireless dba Cleartalk, requests this variance to allow the placement of a wireless communication tower with the above referenced specifications on the southern portion of the subject property.

The subject property was rezoned from Low Density Residential-6,000 square feet minimum (R-1-6) to C-1 with Rezoning Case No. 07-25 (RZ07-25) and was the location of a site-built dwelling. Permit Number B06-0670 was issued on April 19, 2006 for the demolition of the residence. Additionally, Minor Amendment Case No. 2007-MA-12 was approved changing the subject property's Land Use Designation from Medium Density Residential to Mixed Use concurrently with RZ07-25.

Cleartalk currently uses a wireless communication cell tower located at Crane Elementary School, approximately one mile west of subject property at 1020 South Avenue C. However, the applicant indicated that modifications cannot be done to the existing site because the site is heavily loaded and there are concerns about the long-term viability of the location. The proposed wireless communication tower is believed to enable better connectivity for wireless communication needed in these neighborhoods.

Wireless communication facilities are allowed by right in the C-1 zoning district. However, Section 1115.05(B) of the Yuma County Zoning Ordinance states as follows: *No tower shall exceed a height of one hundred fifty (150) feet from grade and wireless communication facilities shall be setback from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The additional one foot above the zoning district height maximum is in addition to the normal building setback of the zoning district in which the proposed wireless communication facility is to be located in.*

The proposed wireless communication tower is intended to be 190 feet in height. The C-1 zoning district has a height limitation of 35 feet. This indicates an excess in height of 155 feet. The required setback is

calculated by adding the excess height and the normal building setback requirements for the particular zoning district. The following table indicates the required setbacks for the subject property:

	Tower Height	C-1 Height Limit	Excess Height	C-1 Setback	Required Setback
Front Setback	190'	35'	155'	20'	175'
Side Setback	190'	35'	155'	5'	160'
Rear Setback	190'	35'	155'	10'	165'

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variances under section 403.02 shall be granted only when, because of peculiar conditions applicable to the property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district.*

Staff finds there are no peculiar conditions applicable to the subject property. The lot is flat and the topography is not unusual. The property meets the minimum size and dimensions for the C-1 district. The proposed tower is 190 feet in height and the property is not large enough to accommodate the tower and the required setbacks.

- B. *Variances are available only in cases where there is a hardship arising from conditions or circumstances unique to the development of a particular piece of land, not from personal considerations, personal convenience or financial hardships.*

Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property. This variance emerged by the decision to construct the wireless communication facility on the subject property. However, the applicant indicated that there is a difficulty in improving the existing tower in that neighborhood due to it being heavily loaded and not being strong enough to support more equipment.

- C. *Any motion to grant a Variance by the Board of Adjustment shall include specific peculiar conditions applicable to the property, which exist to cause granting of a Variance.*

Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance. This variance emerged by the decision to construct the wireless communications tower on the subject property and the need to improve wireless communication connectivity in this neighborhood.

- D. *A variance shall not be granted which will have an adverse effect on public health, safety and welfare.*

Staff finds approval of this variance may have an adverse effect on public health, safety, and welfare. Impacts involve the proximity to residential areas to the north, east and south of subject property. The proposed tower would be positioned approximately 20 feet from residential zoning to the east and south posing a safety concern if the tower collapses. The applicant indicated that new towers are engineered to fall within a radius of 20-25 feet. Despite not meeting the normal setback requirement, the tower would meet the buffer yard requirement of 20 feet from the residential areas to the north, east and south.

The subject property is bordering the City of Yuma. City of Yuma planning staff submitted comments stating that structures are allowed to be up to 40 feet in height in the Limited Commercial (B-1) zoning district, which is comparable to the C-1 zoning district in Yuma County which allows structures to be up to 35 feet in height. The City of Yuma would only allow concealed personal wireless communication facilities with a setback of one foot for every foot of additional height above the maximum height allowed in the zoning district. Additionally, the City of Yuma requires towers to be no less than 600 feet apart. In the vicinity, there is a radio tower about 140 feet in height approximately 200 feet west of subject property. The nearest wireless communication facility is approximately 800 feet southwest of subject property. It is specified as a 55 foot monopole communication tower for Verizon wireless located at 1019 South Avenue B.

- E. A variance shall not be granted if, in granting the variances a special privilege not commonly enjoyed by others in the zoning district will be conferred, or have a negative impact on the neighborhood.*

Granting this variance to allow an increase to the required height and a reduction to the required setbacks appears to confer a special privilege not commonly enjoyed by others in the zoning district.

- F. The Board of Adjustment may require appropriate conditions or safeguards on any granted variances so that public health, safety and welfare are not compromised.*

Staff is recommending that if approved, this variance include the attached conditions as a means of addressing concerns of public health, safety, and welfare.

- G. Variances shall not be granted if the condition is self-imposed or if a reasonable use of the land can be made in an alternative development scheme without the variance.*

Staff finds the condition is self-imposed. There are alternatives to the development scheme that could be used if this variance request is not granted. The applicant could place the tower on a different parcel that has sufficient space to meet zoning requirements.

- H. The fact that there are non-conforming uses of neighborhood lands, structures or buildings, in the same zoning district shall not be considered grounds for issuance of a variance.*

Staff's recommendation is not based on non-conforming uses of neighborhood lands, structures or

buildings in the same zoning district. The Board of Adjustments has heard three similar cases relating to wireless communication facilities since 2004 and all the cases have been approved.

- Variance Case No. 08-03 was requested to allow a rear yard setback of 6 feet and a side yard setback of 13 feet for a 22 foot extension of an existing 60 foot tower in a 2,500 square feet lot zoned General Commercial (C-2). Staff recommended denial and the case was approved by the Board of Adjustment.
- Variance Case No. 06-16 was requested to allow an increase of the maximum height allowed from 100 feet to 185 on a 20 acre parcel zoned Rural Area-20 acre minimum (RA-20). Staff recommended approval and the case was approved by the Board of Adjustment.
- Variance Case No. 04-07 was requested to allow an increase of the maximum height allowed from 100 feet to 195 feet on a 19, 341 acre parcel zoned Rural Area-40 acre minimum (RA-40). Staff recommended approval and the case was approved by the Board of Adjustment.

ADDITIONAL COMMENTS:

Paula Backs, MCAS Yuma: MCAS does not object to the construction of a 190' tower at the site, as long as conditions listed are followed. Due to the location of the tower, the tower is to be lighted in accordance with FAA guidelines, as well as notification be given to FAA on the construction of the tower using FAA form 7460-1E. Frequencies within the 1710-1755 MHz band are protected for MCAS Yuma AZ. It is requested that MCAS Yuma be provided an additional review of the frequencies for the antennas that will be placed on the tower once they are known.

Bob Blevins, City of Yuma: Being in the city limits, it is reasonable that new construction be compatible with City standards for safety and aesthetics at this gateway intersection. Wireless communication towers have been approved on numerous occasions that meet City standards and coverage needs without the need of a Variance.

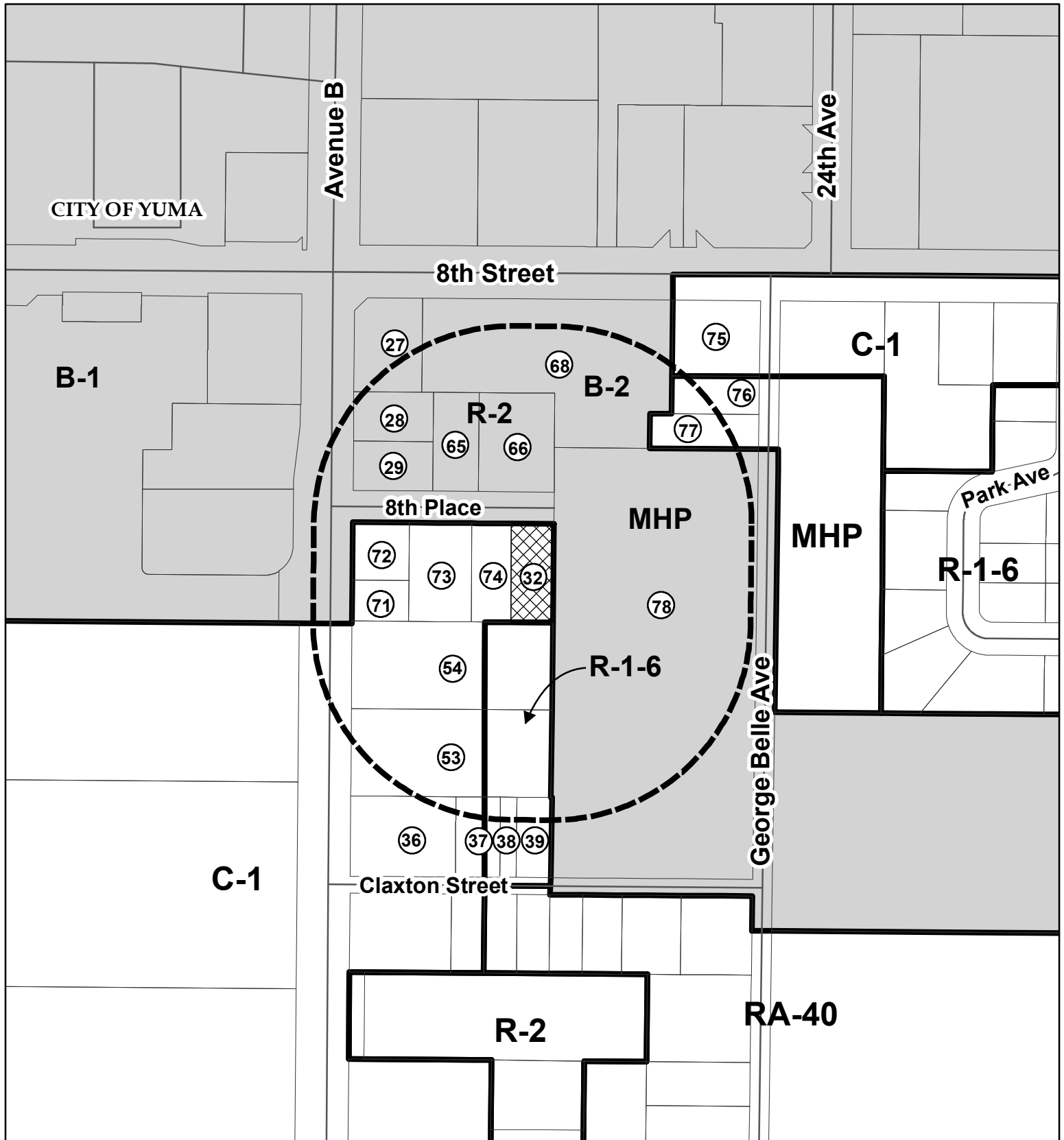
STAFF RECOMMENDATION

Staff recommends denial of Variance Case No. 15-08 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property
2. Approval of this variance may have an adverse effect on public health, safety, and welfare.
3. Staff finds the condition is self-imposed.

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This Variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. All weather access road and turn-around be provided in accordance with the 2003 International Fire Code Appendix D.
3. All Federal Administration (FAA) and Federal Communications Commission (FCC) regulations must be complied with including marking, lightning, and notification requirements.



**DEPARTMENT OF
DEVELOPMENT
SERVICES**

PLANNING & ZONING DIVISION
2351 W. 26TH STREET
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO:
LOCATION:
APN:




V15-08
2403 West 8th Place
664-05-032

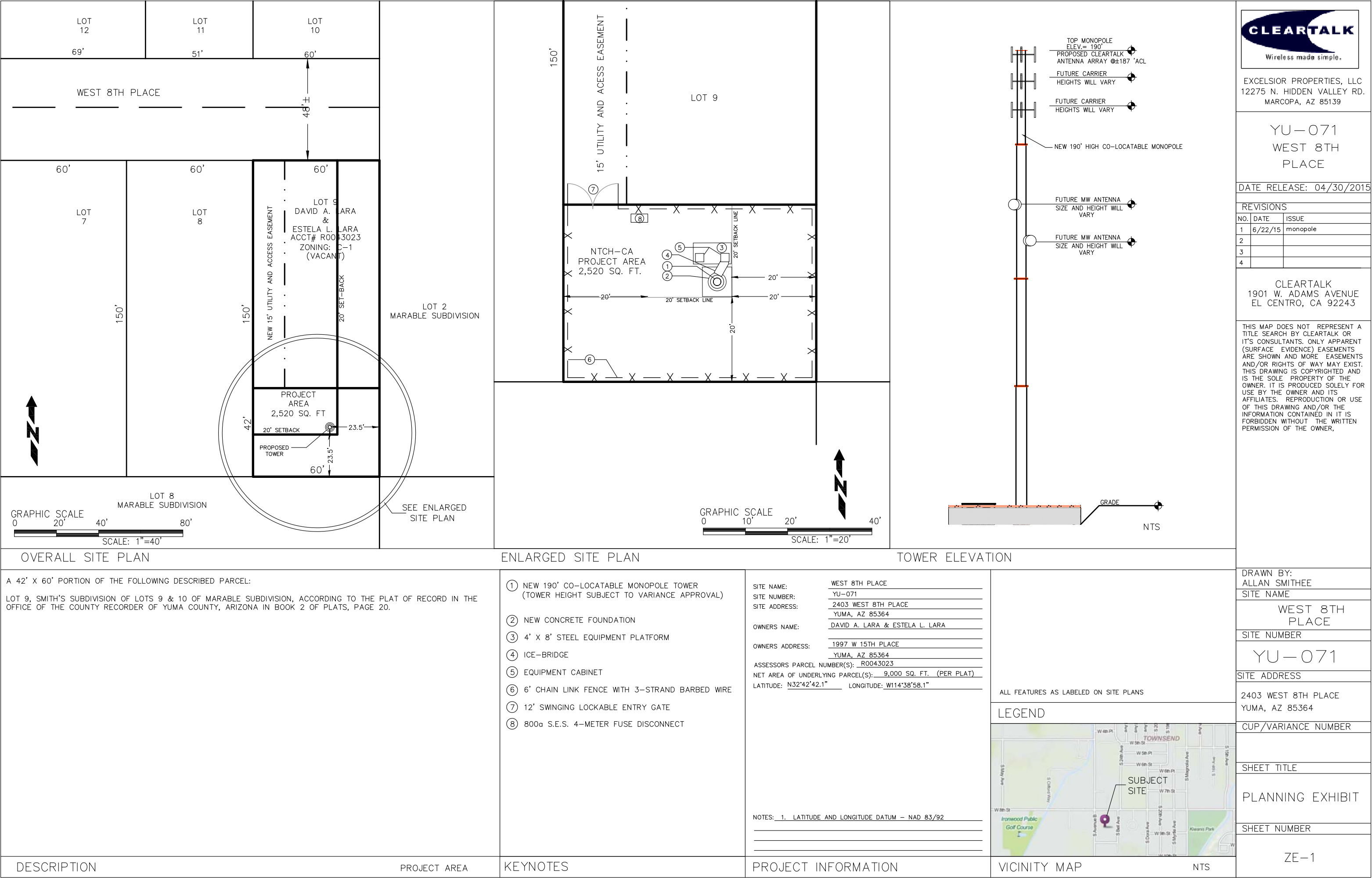
Case Planner: Marilu Garcia
Drawn On 05-27-2015

SCALE
1" = 200'



Legend

-  Subject Property
-  300' Notification Area
-  Municipality



JUSTIFICATION FOR NTCH-CA INC VARIANCE

Dear Sirs,

We believe that a variance is justified for the proposed wireless communication tower at 2403 W 8th Place in Yuma, AZ, 85364, parcel number 66405032. The property in question is an approximately 2,500 square foot section located within a 9,000 square foot C-1 (commercially) zoned vacant lot. The parcel is located within the C-1 zoning district, part of a commercial area which is surrounded by a much larger residential area, making it an ideal location for a communications site to serve this area of Yuma. Wireless Communications Facilities (WCFs) are permitted by right in the C-1 district per section 1115.04 of the Yuma County Zoning Ordinance:

Plate XI -2: This plate delineates the treatment of WCF's per zoning (

DISTRIBUTED ANTENNA SYSTEMS (DAS'S):	DISTRICTS WCF'S ARE PERMITTED BY RIGHT:	DISTRICTS WCF'S ARE PERMITTED WITH A SUP:	DISTRICTS PERMITTED BY RIGHT IF THE WCF IS CONCEALED:
PERMITTED IN ALL ZONING DISTRICTS EXCEPT THE VCOD. IN THE VCOD DISTRICT, THEN A SUP IS REQUIRED.	C-1	RA	ALL DISTRICTS EXCEPT THE FOLLOWING DISTRICTS: OS/RR SA/RL VCOD A SUP IS REQUIRED FOR THESE ZONING DISTRICTS.
	C-2	SR	
	LI	SSB	
	HI	R-1	
	II	R-2	
	TCU	R-3	
	PF	MHS	
		MHP	
		RVS	

The tower we are proposing requires, like nearly every other WCF in the area, a variance for the height and setback requirements in Section 1115.05 of the County Ordinance:

B. Wireless Communication Facilities Height and Setback Requirements.

No tower shall exceed a height of one hundred fifty (150) feet from grade and wireless communication facilities shall be setback from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The additional one foot above the zoning district height maximum is in addition to the normal building setback of the zoning district in which the proposed WCF is to be located in.

Some older tower codes envisioned towers falling flat on their sides, which is not the way modern towers fail. Current engineering standards are such that, in the extremely unlikely event of a collapse, towers are engineered to fall within a very small radius, negating the need for

long setbacks. The lattice-type tower we are proposing is extremely robust and can be engineered to fall within a radius as small as 25 ft. Furthermore, while older tower technology dealt with cell signals that worked best at lower antenna heights, the advent of LTE technology allows cell carriers to cover more area with a single, taller tower, usually around 185', mitigating the proliferation of towers in any one area.

As the world becomes more interconnected, simple cellular telephone service is being augmented by high-speed internet service provided through smartphones, wireless modems and mobile hotspots. All of these services rely on robust wireless networks. Cities of the future will depend on their telecommunications infrastructure in ways that we are only beginning to realize today. Old arguments that towers are unsightly or unnecessary are being replaced by the knowledge that good network reception makes a neighborhood more livable. Mobile devices and cell phones also emit less radio energy when a cell tower is near (the cell phone has to put out more signal to connect to a far-away tower, which also reduces battery charge duration). Our proposed tower will also provide the height needed for the new national first-responders network currently being introduced (see Public Safety Network article). NTCH-CA will make adequate tower space and ground equipment space available to Yuma County for this new Public Safety Network at no charge.

NTCH-CA is associated with Flat Wireless, which is doing business as Cleartalk in Yuma, El Centro, Imperial Valley and other markets around the country. Cleartalk is an important low-cost alternative to the major national cellular networks. The technical justifications, written by a Flat Wireless engineer, regarding the tower that we are proposing, along with RF propagation maps showing how coverage will be improved in the heart of Yuma, are included in this application. This proposed tower will greatly benefit the general public residing in and traveling through the surrounding area by improving communications coverage and internet speeds in these neighborhoods.

The tower, however, is not just for the use of Flat Wireless, and will no doubt be used in the expansion of other wireless networks that are experiencing other capacity issues as the wireless needs of the people of Yuma grow. We intend to contact other networks to collocate on these new towers. The 195' height of the tower proposed will allow carriers to locate 4G, LTE (long-term evolution) equipment, helping carriers to serve Yuma with the most modern technological infrastructure available.

Feel free to contact me with any concerns, clarifications, etc.

Thank you for your consideration,

Keith Fisher

Site Development NTCH-CA (323) 828-1192 Cell

May 20, 2015

TO: Board of Adjustment –Yuma County, Arizona

RE: Construction of a New Tower the unincorporated area of Yuma, Arizona at West 8th Place - Site YU071

Flat Wireless, LLC (Clear Talk) is seeking to provide enhanced data speeds, capacity, and improved in-building service to our customers in Yuma, Arizona. This location is vital to our continued growth and shall provide our customers with quality service in areas where our customers work, live, and travel. Our customers depend on our robust communication network to meet their daily mobile voice and data communication needs.

Flat Wireless is committed to providing only the highest quality network to its customers. Any two-way wireless system, has three basic design objectives which must be met. First the network must provide *coverage* over the region of operation, meaning there is sufficient signal strength for customers to make and receive calls or establish data sessions. In poor coverage areas, users may experience more frequent dropped calls or be unable to establish a call in the first place. Secondly, the network must be designed to handle the *capacity* of calls generated by its customers. This equates to having a sufficient number of channels in operation for users to place calls or establish data sessions whenever requested. Without sufficient capacity, even in areas with strong signal strength and excellent coverage, users are blocked from making a call or experience greatly reduced data speeds. Thirdly, the *quality* of the network is essential. This encompasses a number of issues which are related to the coverage and capacity of the network. Insufficient signal strength or lack of capacity can be the prime culprits of poor voice quality and slow data rates. However, interference from the radio waves produced by neighboring sites can be just as devastating to voice quality/bandwidth and results in very delicate engineering design requiring a balance between maximizing coverage and minimizing interference. For this reason, careful site selection is critical. Sites that are too close to each other or too high can cause damaging interference. Sites that are too far apart or too short may not provide sufficient signal strength to an area. Quality also refers to the level of service that will be offered, or stated another way, where and how well the mobile devices will work. In order to satisfy customer expectations, Flat Wireless must be able to provide in-building coverage with constantly increasing demands for higher data speeds in all areas of our licensed markets to satisfy customer expectations.

Flat Wireless operates in both the 1900 MHz PCS and 1700/2100 MHz AWS bands and the network design for a provider in these frequency blocks can require denser cell site deployments, additional power margins for penetrating clutter such as trees and structures, and taller tower heights than those of 700 MHz or 850 MHz cellular carriers in order to meet the basic requirements for providing quality service to our customers.

Flat Wireless has invested significant resources in support of the new 4G LTE data services in the Yuma market. We continue to maintain, invest in, and expand our existing 2G / 3G CDMA and EVDO data services. As part of our continued review process we have determined that we would like to provide better coverage within the City of Yuma, Arizona. Unfortunately, we do not have the option of modifying

our existing site (YU006) located at the Crane School as it is very heavily loaded already and we have concerns about the long-term viability of the location.

The Flat Wireless network is designed around existing telecommunication structures and colocations and are pursued whenever possible. In beginning the design review process, the first goal is to target any available existing structure to determine if any colocation opportunity exists to meet design requirements. An analysis has been conducted to identify any potential existing structures within our targeted search ring area. Within the design search rings, there are no suitable colocation towers or structures.

In developing the design of new tower sites, consideration is given for the height of the antennas, location of the tower and coverage objectives. Each of these criteria is optimized to ensure that the customer experience of call quality, capacity, and connectivity are achieved. For the design of this tower location, it has been determined that an overall centerline height for the antennas should be roughly 185 feet above ground level. This height will provide the necessary coverage to seamlessly connect to neighboring sites and ensure there are no poor quality zones that will produce dropped calls and poor data sessions for our customers. The primary objective of this new tower is to support our existing 2G and 3G service and new 4G LTE service as well as enhance in-building coverage for the many customers who live and work in this area. The dense building clutter within certain portions of this area requires a stronger signal and greater height to best penetrate and provide good service.

Antenna radiation centerline height is a critical component to any network design. Significant deviation from expected height can result in significant negative ramifications. For example, if we raised our antenna radiation centerline height 20 feet then we would find that the signal was shooting much further than expected and causing unwanted interference for our neighboring sites. Similarly, if we dropped our radiation centerline height 20 feet then we would find that the signal was not reaching all of our target areas and would result in our needing to add additional sites simply to fill in coverage holes. Ultimately, selection of antenna radiation centerline height is a balancing act without much room for error.

It is beneficial to all carriers in the market to incorporate into their design process tower sites that will offer colocation opportunities to multiple carriers. Typically, the best antenna centerline mounting heights range from 100 to 200 foot for suburban applications depending on the underlying network configuration. We are requesting a centerline that falls within this range.

In summary, Flat Wireless is requesting the approval for construction of a new 195 foot tower in Yuma County, Arizona. Alternatives have been investigated and eliminated. The proposed site meets all engineering, interference, and colocation constraints.

Sincerely,

Gerald Lance Tindall

Director of RF Engineering

Flat Wireless, LLC (dba. Clear Talk)

Yuma County, Arizona
Board of Adjustment
Flat Wireless New Site
YU071 – Yuma NW

5/21/2015

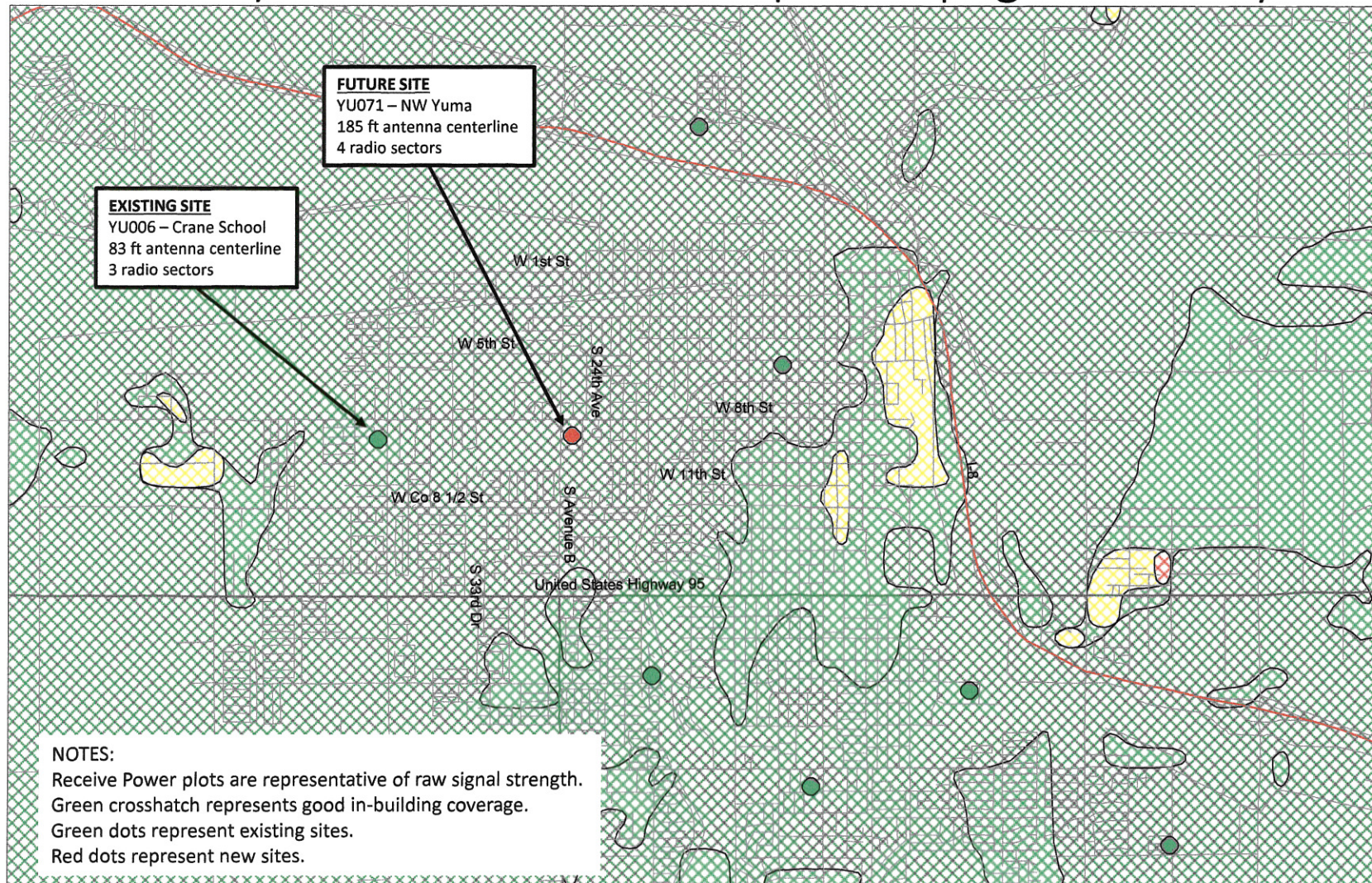
Produced by Gerald Lance Tindall

Director of RF Engineering – Flat Wireless (dba Cleartalk)

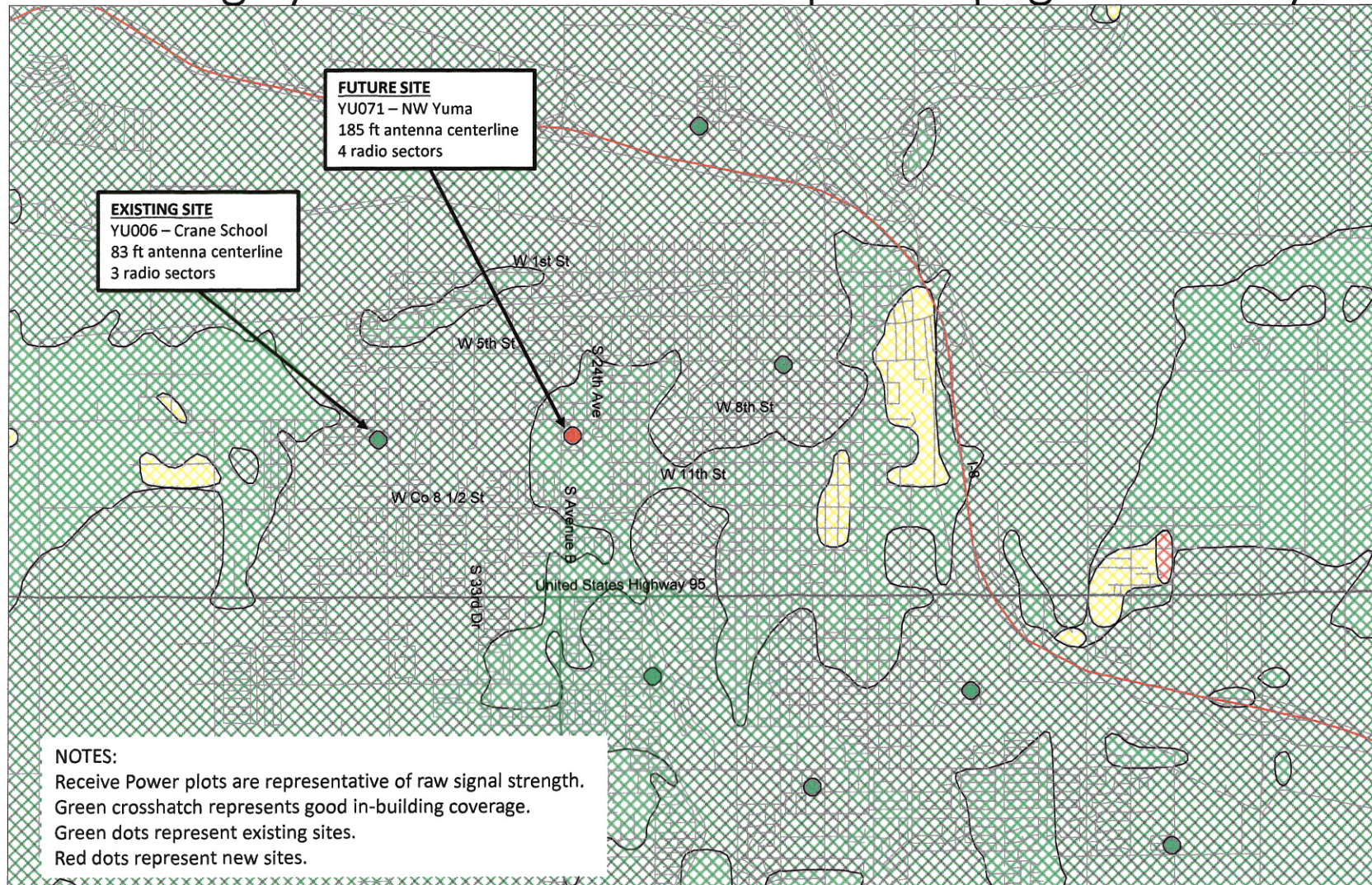
Why does Flat Wireless need a new site?

- Running out of capacity on existing Yuma sites.
 - Customer data usage continues to increase.
 - System voice and data capacity reaching saturation point.
- Not able to add additional hardware to existing Crane School site.
 - Cannot launch LTE service on site due to loading concerns.
- New site would be able to handle all of our current and future antenna and radio loads.
 - Initial build will be to improve coverage and capacity for CDMA/EVDO system.
 - LTE plans for West side of Yuma will be resurrected for Q4_2015.
- New site would give Flat Wireless the flexibility to decommission existing Crane School site if necessary.
 - With the new site in place we could add some additional sectors and adjust antennas to compensate for the loss of the Crane School site.

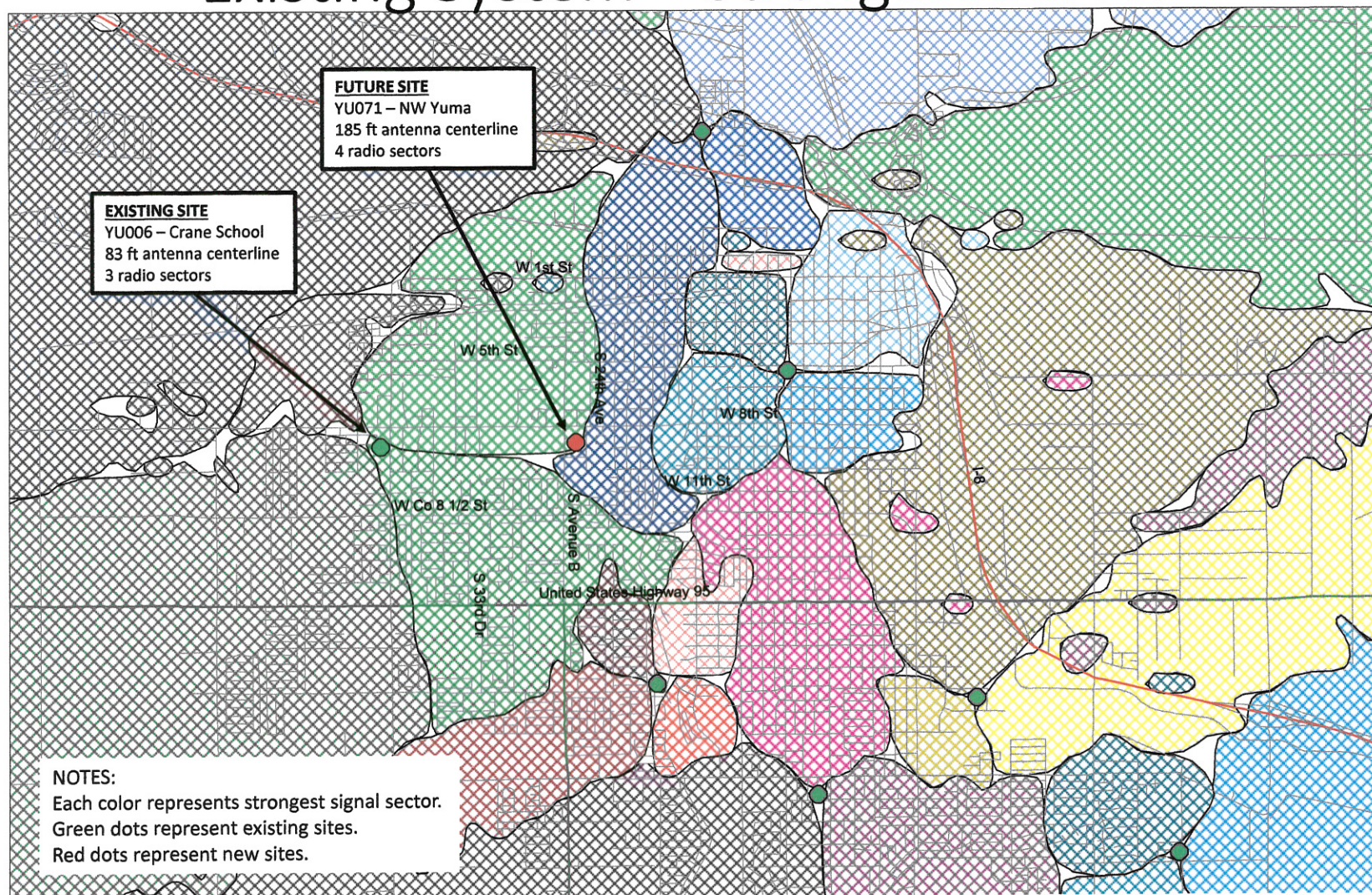
New System - Receive Power per Propagation Study



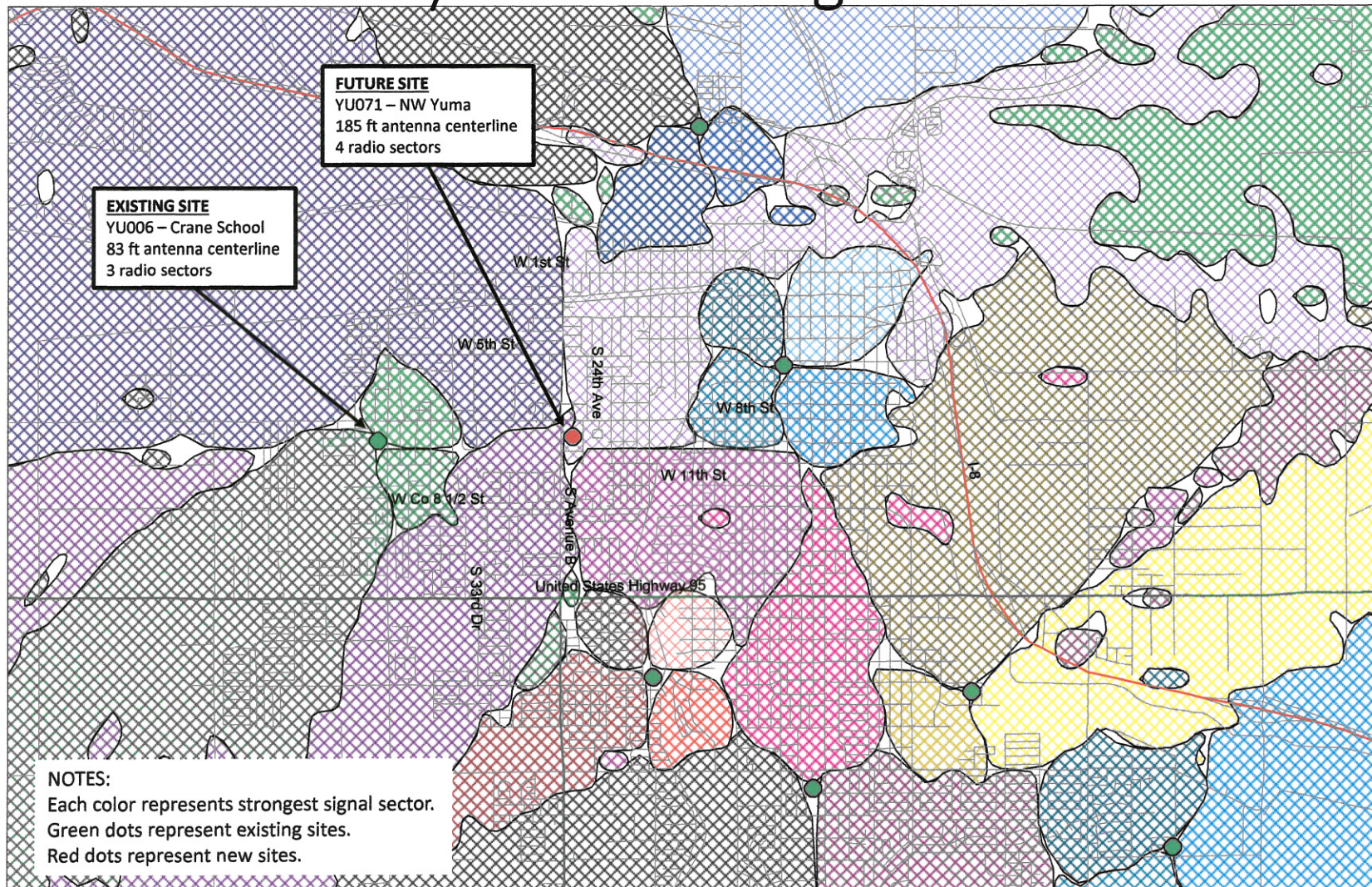
Existing System - Receive Power per Propagation Study



Existing System – Strongest Server



New System – Strongest Server



Public-safety network gets trial run at Republican convention



The communications system used during the convention represents a public safety first. | AP Photo

By [BROOKS BOLIEK](#) | 9/18/12 4:33 AM EDT

For the telecom world, the biggest lesson of the GOP convention wasn't political — it was that a nationwide interoperable broadband network could actually work.

The convention in Tampa, Fla., marked the first time law enforcement personnel were able to use the type of system envisioned by policymakers since the Sept. 11 attacks highlighted critical weaknesses in first-responder communications. Vendors and public safety officials hope the lessons can be applied nationwide.

The communications system used during the convention, which relied on several vendors and often used off-the-shelf technology, allowed coordination for the public safety network over some 15 jurisdictions, all for a high-profile event that had the added complication of a passing hurricane, public safety and industry officials involved in the effort told POLITICO.

Sgt. Dale Moushon of the St. Petersburg Police Department intelligence unit said it allowed police to operate faster and more efficiently than they could have using their old-style primary system.

“From an operational perspective, it’s huge,” Moushon said. “To be able to communicate that much data with the Tampa P.D. or the Clearwater P.D. is a huge help.”

Moushon said the network put law enforcement on the same footing as the bad guys who now use all the fancy, high-tech gear that is commercially available. Police officers in departments like his often use their own personal equipment for texting and other such applications, even though it’s unsecured.

“I could text the same information to the next jurisdiction, but it’s off the grid,” Moushon said.

A consortium of companies, including Cisco, Raytheon, Nokia Siemens Networks, Reality Mobile and Amdocs proved for the first time in Tampa that the multivendor interoperable Public Safety LTE network could work.

It also was the first time federal, state and local first responders have simultaneously used a 700-MHz D-block broadband network for what is called a National Special Security Event. The network was deployed under special temporary authority from the Federal Communications Commission.

In effect, it provided a field trial of a multivendor integrated LTE system in advance of the \$7 billion deployment of the National Public Safety Broadband Network, said Kevin McFadden, Cisco’s customer solutions and business development manager.

“It was a first look at First Net,” McFadden said. “It helps us understand where First Net needs to go.”

The new First Responder Network Authority is an independent authority within the National Telecommunications and Information Administration that will hold the spectrum license for the network, and is charged with taking “all actions necessary” to build, deploy and operate the network, in consultation with federal, state, tribal and local public safety entities, and other key stakeholders.

“Communications is critical during such a large-scale event as the Republican National Convention,” 2012 Republican National Convention CEO William Harris said in a statement. “Thanks to our partners and official providers, we had complete interoperability between the convention leadership team and our security planning partners on the federal, state and local levels, which allowed us to have a safe and successful event.”

Using the system, security officials were able to get a high-definition look at a parking citation and use facial recognition to determine that a rowdy individual was just that.

“To be able to see that in HD quality in real time allowed the detective to determine there was not a threat and move on,” Harris said. “This just opens up a world of [possibilities] for the cop on the street for what the technology can do.”



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 3, 2015

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-08: Keith Fisher agent for Estella Lara requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B) — Wireless Communication Facilities Height and Setback Requirements, to allow a wireless communication tower with the following deviations from the Yuma County Zoning Ordinance: an increase to the required height of 150 feet to 195 feet, a reduction of the required front setback of 180 feet to 118 feet, a reduction of the east and west side yard setback of 165 to 20 feet and a reduction of the rear yard setback of 170 feet to 15 feet on a parcel 9,000 square feet in size zoned Local Commercial (C-1). The Assessor's Parcel Number (APN) is 664-05-032, located at 2403 West 8th Place, Yuma, Arizona. The property is within the territory in the vicinity of a military airport.

The applicant submitted the following intended use in the application: Flat Wireless is requesting the approval for construction of a new 195 foot tower in Yuma County, Arizona. Alternatives have been investigated and eliminated. The proposed site meets all engineering, interference, and colocation constraints.

PUBLIC HEARING: July 21, 2015
COMMENTS DUE: June 9, 2015

☒ COMMENT

☐ NO COMMENT

Please notify the FAA about plans to construct the tower using FAA Form 7460-1. Tower is to be lighted in accordance with FAA Guidelines. Frequencies within the 1710-1755 MHz band are protected for MCAS Yuma.

DATE: 6/8/15 NAME: Gen Grosse, Yuma County Airport Authority

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Marilu.garcia@yumacountyaz.gov



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 3, 2015

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PUBLIC HEARING: July 21, 2015
COMMENTS DUE: June 9, 2015

☒ COMMENT

☐ NO COMMENT

All weather access road and turn-around shall be provided in accordance with the 2003 International Fire Code Appendix D

DATE: June 11, 2015 NAME: _____

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail
Marilu.garcia@yumacountyaz.gov



YUMA COUNTY Planning &
Zoning Division REQUEST
FOR COMMENTS

June 3, 2015

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PUBLIC HEARING: July 21, 2015

COMMENTS DUE: June 9, 2015

☒ X COMMENT

☐ NO COMMENT

MCAS Yuma has reviewed this request and does not object to the construction of a 190 tower at the site, as long as, conditions as listed are followed. Due to the location of the tower, the tower is to be lighted in accordance with Federal Aviation Administration (FAA) Guidelines, as well as, notification be given to FAA on the construction of the tower using FAA Form 7460-1. Frequencies within the 1710-1755 MHz band are protected for MCAS Yuma AZ. It is requested that MCAS Yuma provide an additional review of the frequencies for the antennas that will be placed on the tower once they are known. Thank you for the opportunity to comment.

6/8/2015

DATE: _____

NAME: _____

Paula L. Backs, MCAS YUMA AZ

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail

Marilu.garcia@yumacountyaz.gov



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 3, 2015

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PUBLIC HEARING: July 21, 2015

COMMENTS DUE: June 9, 2015

☒ COMMENT

☐ NO COMMENT

I did not find that the applicant satisfied the required County variance criteria. The condition is self-imposed, getting coverage can be done in an alternative manner with shorter more numerous towers, financial benefits or cost savings should not be a justification; the proposed tower is within approx. 30 feet of dwellings which can be a safety issue; and a tower of this height will have a negative impact on the neighborhood because it would be unlikely that surrounding properties would invest in new residential construction within the fall zone of the new tower. Granting this variance for this much height so close to residential would be setting a new precedent. These are all negative safety impacts affecting surrounding properties.

Since this property is at the City limits of the City of Yuma in a County Island, further comments are: The maximum height in the City would be 40 feet in the comparable B-1 District; only concealed/disguised personal wireless communication facilities (like a monopalm) would be allowed; the ground lease area equipment shelters need to be behind a six foot high masonry wall with landscaping; a tower must be setback one foot for every foot in height from a residential use or zone because of the potential of a structural or weather-caused failure; and such an antenna needs to be 600 feet distant from another lattice / monopole tower. Being at the City limits, it is reasonable that new construction be compatible with City standards for safety and aesthetics at this gateway intersection. We have approved numerous installations that meet City Standards, so accomplishing coverage can be achieved without this variance.

06-08-15

Bob Blevins, City of Yuma Community Development

DATE _____ NAME: _____

Please return your response within 4 days to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Marilu.garcia@yumacountvaz.gov

Yuma County Board of Adjustment

July 21, 2015

Item No. 6

AIR-6425

BOA Agenda

Meeting Date: 07/21/2015

Submitted For: Maggie Castro

Submitted By: Javier
Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-10: Keith Fisher, agent for McCloud Enterprises LLC, requests a Variance from the Yuma County Zoning Ordinance, Section 1115.05 (B)—Wireless Communication Facilities Height and Setback requirements, to allow a rear yard setback of 20 feet on a parcel 118,086 square feet in size zoned General Commercial (C-2), Assessor's Parcel Number (APN) 701-60-090, located at 12835 East 38th Street, Yuma, Arizona.

2. INTENT:

The proposed monopole with a height of 150 feet is being requested with the following deviations from the zoning ordinance:

1) A reduction of the rear yard setback to 20 feet where 100 feet are required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 15-10 based on:

1. Staff finds there is hardship arising from conditions or circumstances unique to the development of this property.
 2. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
 3. Staff finds approval of this variance will not have a negative impact on the neighborhood.
-

Attachments

Att: Staff report

Att: Zoning Map

Att: Letter of intent

Att: Site Plan and Elevation

Att: MCAS comments

Att: Tower Information form

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
July 21, 2015
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-10

OWNER: McCloud Enterprises LLC

CASE PLANNER: Javier Barraza, Senior Planner

DATE PREPARED: June 10, 2015

DESCRIPTION OF REQUEST: Keith Fisher, agent for McCloud Enterprises LLC, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05(B) —Wireless Communication Facilities Height and Setback Requirements to allow a rear yard setback of 20 for a wireless communication facility on a parcel 118,086 square feet in size zoned General Commercial (C-2), Assessor's Parcel Number (APN) 701-60-090, located at 12835 East 38th Street, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: NTCH-CA in association with Flat Wireless, which is doing business as Cleartalk in Yuma, is proposing to construct a new Wireless Communication Facility (WCF). This facility will contain a monopole 150 feet in height, an equipment cabinet, all in a 40 feet by 62 feet fenced area. In the letter of intent, the applicant stated that a setback variance is justified for the proposed wireless communication tower; that the location of the subject parcel is ideal for the proposed project because it is surrounded by residential and commercial properties; and that the proposed tower meets the Yuma County requirements for height and for the front and side setbacks. The letter also states that the monopole-type tower can be engineered to fall within a radius as small as 20 feet; that the need for taller towers is due to the advent of Long Term Evolution (LTE) technology which allows cell carriers to cover more area with a single taller tower mitigating the proliferation of towers in any one area; that the proposed tower will make adequate tower space and ground equipment space available to Yuma County for the new Public Safety Network (currently being introduced); and that the tower will greatly benefit the general public residing and traveling through the surrounding area by improving communication coverage and internet speeds in these neighborhoods. The letter ends by mentioning that other carriers will be allowed to collocate on this tower.

VARIANCE ALLOWANCES:

The proposed monopole with a height of 150 feet is being requested with the following deviations from

the zoning ordinance:

- 1) A reduction of the rear yard setback to 20 feet where 100 feet are required.

BACKGROUND

The subject property is located within Foothills No. 5 Subdivision which was recorded on April 29, 1969. The subject parcel was created on May 24, 1999 and is zoned General Commercial (C-2). The proposed structure is intended to be placed on the southwest corner of the parcel. The subject property is 118,086 square feet in size and is the location of Express Auto & RV Care Center, an automotive service and RV/car wash. The property is accessed along 38th Street.

The Yuma County Zoning Ordinance (YCZO), Section 612.02(XX), lists Wireless Communication Facilities as a permitted use in the C-2 zoning district. The YCZO, Section 1115.05(B)--Performance and Usage Standards, states the following: No tower shall exceed a height of one hundred fifty (150) feet from grade and wireless communication facilities shall be setback from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The additional one foot above the zoning district height maximum is in addition to the normal building setback of the zoning district in which the proposed WCF is to be located in. The C-2 zoning district restricts heights to a maximum of 60 feet. The proposed tower is 150 feet in height which increased the rear yard setback requirement from 10 feet to 100 feet.

The required setbacks breakdown is shown in the table below:

WCF	TOWER HEIGHT	C-2 HEIGHT RESTRICTION	EXCEEDING HEIGHT	C-2 REAR SETBACK	ADDITIONAL SETBACK FOR SECTION LINE ROADS	REQUIRED SETBACK
<i>REAR SETBACK</i>	150'	- 60' =	90'	+ 10'	+ 0'	= 100'

There are two existing WFCs located near the proposed tower. The first one is a monopole tower 100 feet in height located approximately half (½) of a mile to the northeast at 11361 South Foothills Boulevard built in 2004 with building permit number B04-1146. The other tower is 100 feet in height located approximately three quarters (¾) of a mile to the southeast at 13245 East 44th Avenue built in 2011 with building permit number B11-0018. The two properties are zoned C-2. Both monopole towers met required setbacks at time of permitting since they were built before Section 1115.00—Wireless Communication Facilities of the Yuma County Zoning Ordinance became effective.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variances under section 403.02 shall be granted only when, because of peculiar conditions applicable to the property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district.*

Staff finds there are no peculiar conditions applicable to the property. The property meets the minimum parcel size and dimensions of the C-2 zoning district. However, the rear area of the property, which is the proposed location of the tower, is used for parking, vehicular circulation and a retention basin for the business.

- B. *Variances are available only in cases where there is a hardship arising from conditions or circumstances unique to the development of a particular piece of land, not from personal considerations, personal convenience or financial hardships.*

Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property. Even though the subject property has ample space on the rear to accommodate the proposed tower with the required rear setback, it will deprive the existing use from required parking spaces and/or vehicular flow. The rear area also contains a retention area on the southwest corner of the property. If the proposed tower were to comply with the rear setback requirement, it will be located within the vehicle circulation area leading to the existing wash bays.

- C. *Any motion to grant a variance by the Board of Adjustment shall include specific peculiar conditions applicable to the property, which exist to cause granting of a variance.*

Staff finds there are no specific peculiar conditions applicable to this property since the property is not of an unusual shape or topography. However, the existing use of the property and the circulation area for cars and recreational vehicles will not be impacted by the proposed location of the tower.

- D. *A variance shall not be granted which will have an adverse effect on public health, safety and welfare.*

Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare. The applicant is proposing to locate the tower in the rear of the property and away from any pedestrian and vehicular traffic. The tower will be designed (in case of collapsing) to fall within a radius of 20 feet.

- E. *A variance shall not be granted if, in granting the variances a special privilege not commonly enjoyed by others in the zoning district will be conferred, or have a negative impact on the neighborhood.*

Staff finds that granting this variance to allow a rear yard setback of 20 feet from the rear property line will

confer a special privilege not enjoyed by others in the General Commercial zoning district. However, approval of this variance will not have a negative impact on the neighborhood since the proposed tower will be designed to collapse within a radius of 20 feet.

F. The Board of Adjustment may require appropriate conditions or safeguards on any granted variances so that public health, safety and welfare are not compromised.

Staff is recommending that if approved, this variance include the attached conditions as a means of addressing concerns of public health, safety, and welfare.

G. Variances shall not be granted if the condition is self-imposed or if a reasonable use of the land can be made in an alternative development scheme without the variance.

Staff finds that the condition is self-imposed. However, the limitations of technology and the needs of the wireless network will be improved in this area with the proposed tower.

H. The fact that there are non-conforming uses of neighborhood lands, structures or buildings, in the same zoning district shall not be considered grounds for issuance of a variance.

Staff's recommendation is not based on non-conforming uses of neighborhood lands, structures or buildings in the same zoning district.

ADDITIONAL COMMENTS:

MCAS provided the following comment: The property is located south of Interstate 8 and within the restricted airspace for the Barry M. Goldwater Range (BMGR). It is requested that the tower be lit according to Federal Aviation Administration (FAA) guidelines due to the aviation traffic that may fly over the site. It is also requested that the frequencies for the antenna be provided to MCAS-Yuma for review. MCAS-Yuma uses the 1710-1755 MHz frequency band and this frequency band should not be used by communications companies at this time. Please provide notification to FAA of the construction of this tower. It is also requested that a restricted airspace disclosure statement be recorded that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed within the restricted airspace for the BMGR.

STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 15-10 based on:

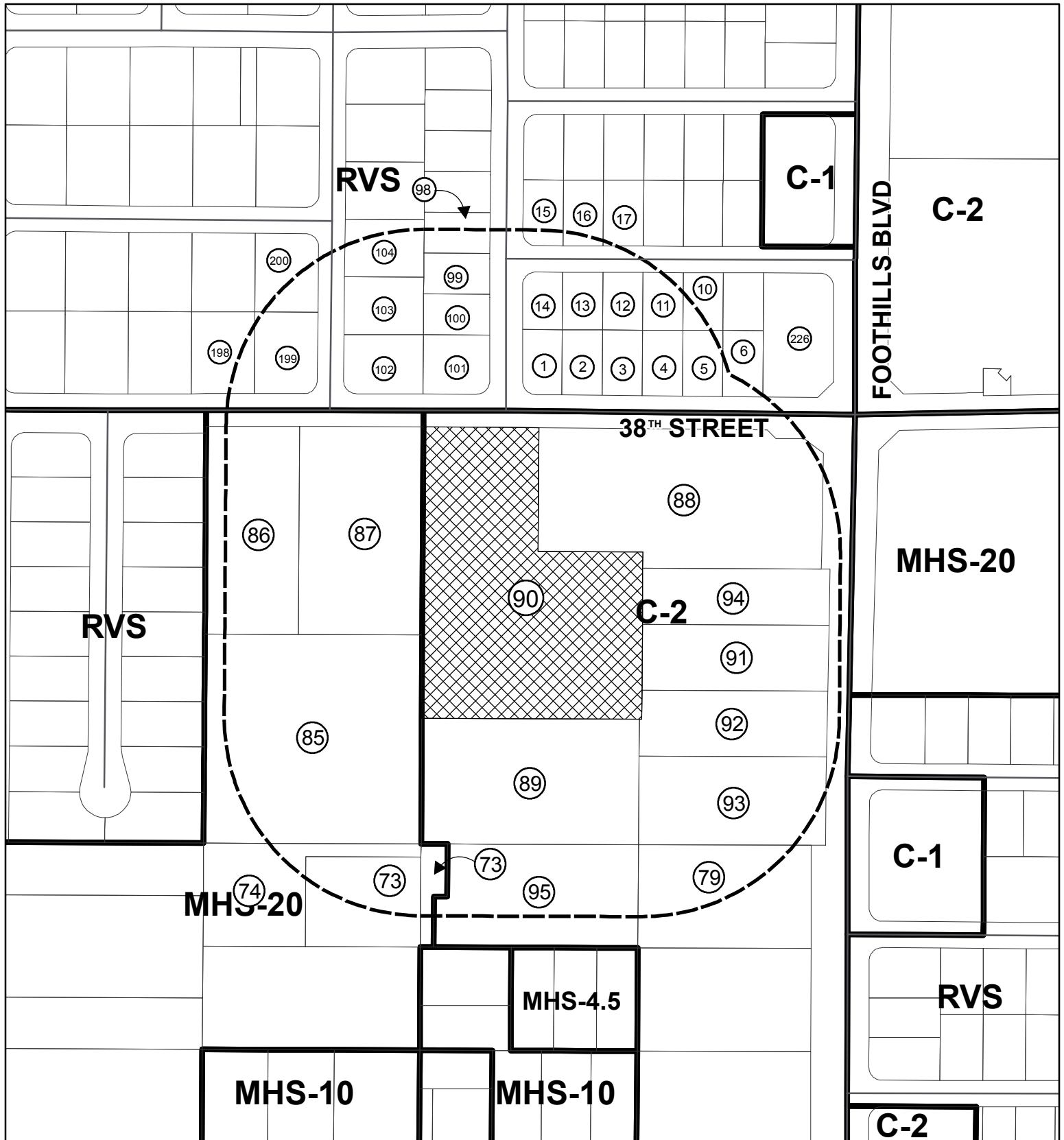
1. Staff finds there is hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds approval of this variance may not have an adverse effect on public health, safety, and

welfare.

3. Staff finds approval of this variance will not have a negative impact on the neighborhood.

If the Board of Adjustment approves this variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. Within 60 days of approval by the Board of Adjustment, a restricted airspace disclosure statement shall be recorded by the applicant.
3. The approval of this Variance is based on the site plan submitted by the applicant. Any change from the site plan will require approval of a new variance by the Board of Adjustment.



**DEPARTMENT OF
DEVELOPMENT
SERVICES**
PLANNING & ZONING DIVISION
2351 W. 26TH STREET
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO:
LOCATION:
APN:

V15-10
12835 E 38TH ST.
701-60-090

Case Planner: Javier Barraza
Map Created on June 10, 2015

SCALE
1" = 200'



Legend

- Subject Property
- 300' Notification Area
- Municipality

JUSTIFICATION FOR NTCH-CA INC VARIANCE

Dear Sirs,

We believe that a setback variance is justified for the proposed wireless communication tower at 12835 E 38th Street in Yuma, AZ, 85367, parcel number 70160090. The property in question is an approximately 2,500 square foot section located within an 118,048 square foot C-2 (commercially) zoned vacant lot. The property is an RV and auto wash and repair company. To the south is a lumber yard, which is part of the hardware store to the east. 239 feet to the east is another hardware store. 95 feet to the west is a residential property that is commercial use. The parcel is located within the C-2 zoning district, part of a commercial area which is surrounded by a much larger residential area in Fortuna Foothills, making it an ideal location for a communications site to serve this area of Yuma. Wireless Communications Facilities (WCFs) are permitted by right in the C-2 district per section 1115.04 of the Yuma County Zoning Ordinance:

Section 1115.04 --Zoning Regulations

Plate XI -2: This plate delineates the treatment of WCF's per zoning district

DISTRIBUTED ANTENNA SYSTEMS (DAS'S):	DISTRICTS WCF'S ARE PERMITTED BY RIGHT:	DISTRICTS WCF'S ARE PERMITTED WITH A SUP:	DISTRICTS PERMITTED BY RIGHT IF THE WCF IS CONCEALED:	DISTRICTS PERMITTED BY RIGHT IF THE WCF IS DISGUISED:
PERMITTED IN ALL ZONING DISTRICTS EXCEPT THE VCOD. IN THE VCOD DISTRICT, THEN A SUP IS REQUIRED.	C-1	RA	ALL DISTRICTS EXCEPT THE FOLLOWING DISTRICTS: OS/RR SA/RL VCOD A SUP IS REQUIRED FOR THESE	All districts EXCEPT THE FOLLOWING DISTRICTS: OS/RR SA/RL VCOD A SUP IS REQUIRED FOR THESE ZONING DIS-
	C-2	SR		
	LI	SSB		
	HI	R-1		
	II	R-2		
	TCU	R-3		
	PF	MHS		

The tower we are proposing meets the county requirements for height and for front and side setbacks. However, it requires, like nearly every other WCF in the area, a variance for the rear setback requirement in Section 1115.05 of the County Ordinance:

B. Wireless Communication Facilities Height and Setback Requirements.

No tower shall exceed a height of one hundred fifty (150) feet from grade and wireless communication facilities shall be setback from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The additional one foot above the zoning district height maximum is in addition to the normal

building setback of the zoning district in which the proposed WCF is to be located in.

Some older tower codes envisioned towers falling flat on their sides, which is not the way modern towers fail. Current engineering standards are such that, in the extremely unlikely event of a collapse, towers are engineered to fall within a very small radius, negating the need for long setbacks. The monopole-type tower we are proposing is extremely robust and can be engineered to fall within a radius as small as 20 ft. Furthermore, while older tower technology dealt with cell signals that worked best at lower antenna heights, the advent of LTE technology allows cell carriers to cover more area with a single, taller tower, mitigating the proliferation of towers in any one area.

As the world becomes more interconnected, simple cellular telephone service is being augmented by high-speed internet service provided through smartphones, wireless modems and mobile hotspots. All of these services rely on robust wireless networks. Cities of the future will depend on their telecommunications infrastructure in ways that we are only beginning to realize today. Old arguments that towers are unsightly or unnecessary are being replaced by the knowledge that good network reception makes a neighborhood more livable. Mobile devices and cell phones also emit less radio energy when a cell tower is near (the cell phone has to put out more signal to connect to a far-away tower, which also reduces battery charge duration). Our proposed tower will also provide the height needed for the new national first-responders network currently being introduced (see Public Safety Network article). NTCH-CA will make adequate tower space and ground equipment space available to Yuma County for this new Public Safety Network at no charge.

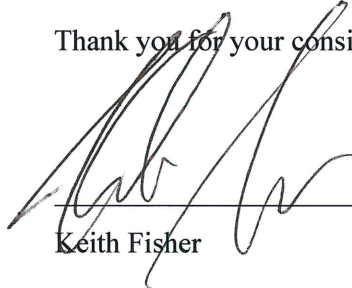
NTCH-CA is associated with Flat Wireless, which is doing business as Cleartalk in Yuma, El Centro, Imperial Valley and other markets around the country. Cleartalk is an important low-cost alternative to the major national cellular networks. The technical justifications, written by a Flat Wireless engineer, regarding the tower that we are proposing, along with RF propagation maps showing how coverage will be improved in the heart of Fortuna Foothills, are included in this application. This proposed tower will greatly benefit the general public residing in and traveling through the surrounding area by improving communications coverage and internet speeds in these neighborhoods.

The tower, however, is not just for the use of Flat Wireless, and will no doubt be used in the expansion of other wireless networks that are experiencing other capacity issues as the

wireless needs of the people of Fortuna Foothills grow. We intend to contact other networks to collocate on these new towers. The 150' height of the proposed tower, though not ideal, will be sufficient to allow some carriers to locate 4G, LTE (long-term evolution) equipment, helping carriers to serve Fortuna Foothills with the most modern technological infrastructure available.

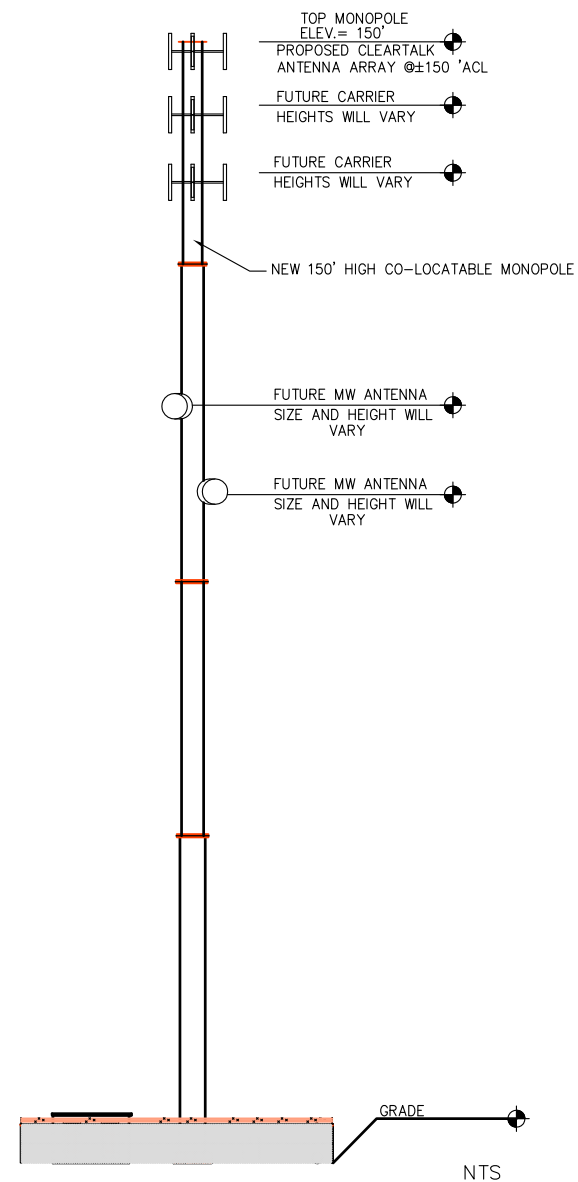
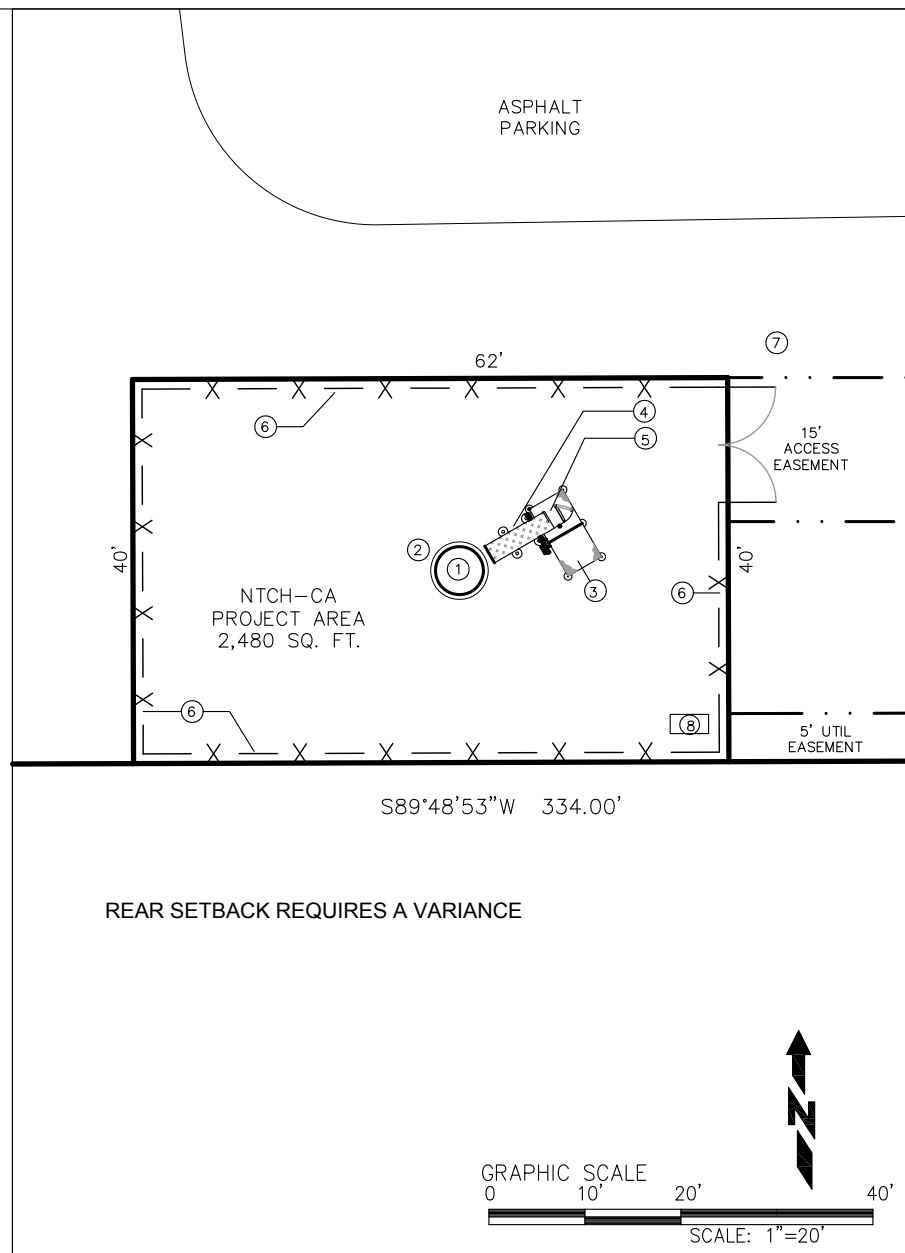
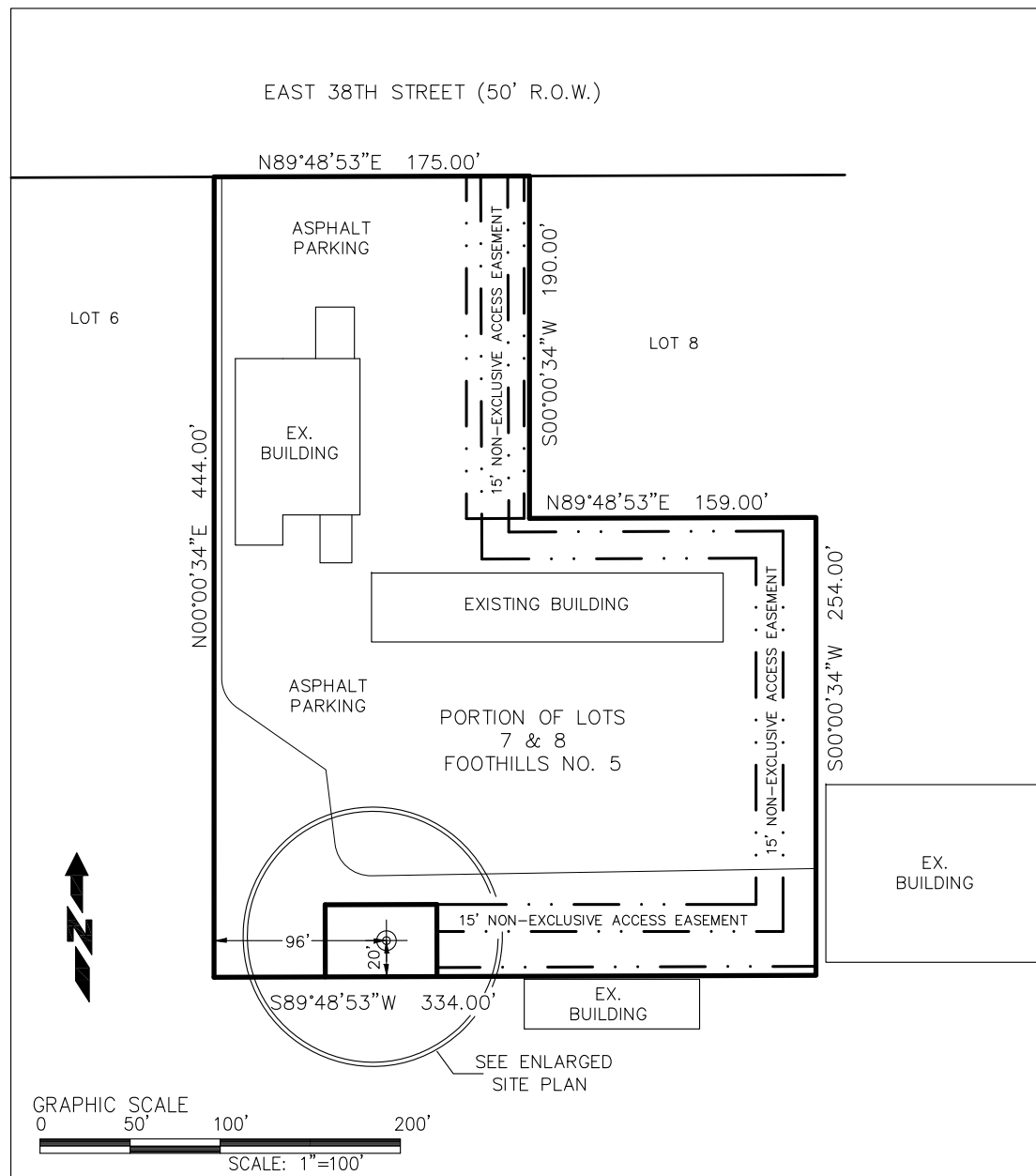
Feel free to contact me with any concerns, clarifications, etc.

Thank you for your consideration,



Keith Fisher

Site Development NTCH-CA (323) 828-1192 Cell



EXCELSIOR PROPERTIES, LLC
12275 N. HIDDEN VALLEY RD.
MARCOPA, AZ 85139

YU-060
FOOTHILLS

DATE RELEASE: 05/27/2015

REVISIONS		
NO.	DATE	ISSUE
1		
2		
3		
4		

CLEARTALK
1901 W. ADAMS AVENUE
EL CENTRO, CA 92243

THIS MAP DOES NOT REPRESENT A TITLE SEARCH BY CLEARTALK OR IT'S CONSULTANTS. ONLY APPARENT (SURFACE EVIDENCE) EASEMENTS ARE SHOWN AND MORE EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST. THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

DRAWN BY:
ALLAN SMITHEE
SITE NAME

FOOTHILLS

SITE NUMBER

YU-060

SITE ADDRESS

12835 E. 38TH STREET
YUMA, AZ 85367

CUP/VARIANCE NUMBER

SHEET TITLE

PLANNING EXHIBIT

SHEET NUMBER

ZE-1



YUMA COUNTY Planning &
Zoning Division REQUEST
FOR COMMENTS

June 10, 2015

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-10: Keith Fisher agent for McCloud Enterprises LLC requests a Variance from the Yuma County Zoning Ordinance, Section 1115.05 (B) —Wireless Communication Facilities Height and Setback requirements, to allow a rear yard setback of twenty (20) feet on a parcel 118,086 square feet in size zoned General Commercial (C-2), Assessor's Parcel Number (APN) 701-60-090, located at 12835 E 38th Street, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: The proposal is to allow a reduction of the rear yard setback from 100' to 20' for a monopole 150 feet in height.

PUBLIC HEARING: July 21, 2015

COMMENTS DUE: June 15, 2015


 X COMMENT

 NO COMMENT

The property is located south of Interstate-8 and within the restricted airspace for the Barry M. Goldwater Range (BMGR). It is

requested that the tower be lit according to Federal Aviation Administration (FAA) guidelines due to the aviation traffic that may fly over the site. It is also requested that the frequencies for the antenna be provided to MCAS Yuma for review. MCAS Yuma uses the 1710-1755 MHz frequency band and this frequency band should not be used by communications companies at this time. Please provide notification to FAA of the construction of this tower. It is also requested that a restricted airspace disclosure statement be recorded that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed within the restricted airspace for the BMGR. Thank you for the opportunity to comment.

6/15/2015


Paula L. Backs, MCAS YUMA AZ

DATE _____

NAME: _____

Please return your response within 3 working days to: Javier Barraza, Senior Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Javier.Barraza@yumacountvaz.gov

TOWER REQUEST INFORMATION FOR MARINE CORPS AIR STATION (MCAS) YUMA

1. Jurisdiction (city or county):
2. Tower Name:
3. Tower Company:
4. Tower Owner:
5. Tower Point of Contact (POC):
6. POC Contact Information:
7. POC Email information:
8. Tower Location (Address):
9. Coordinates (Lats/Longs):
10. Coordinate Datum:
11. Horizontal and Vertical Datum:
12. Assessor Parcel Number (APN):
13. Type of Tower:
14. Height of Tower:
15. Site Elevation:
16. Height of tower and elevation (MSL):
17. Frequencies (Transmit, Receive, Output, etc.):
18. Effective Isotropic Radiated Power (EIRP):
 - Actual Power of transmitter w/cable line loss:
 - Transmitter power in watts:
 - Gain of antenna for transmit:
 - Gain of antenna for receive:
19. Is tower new construction? Yes/no
20. Antenna replacement or upgrade only? Yes/no
21. Is tower lighted? Yes/no
22. If no, is tower to be lit? yes/no/not sure
23. Has FAA Form 7460-1, Notice of Proposed Construction of Alteration, been filed with FAA? Yes/no/not applicable
24. Has FCC been notified? Yes/no/not applicable
25. If yes, FCC response:
26. Please attach maps, site plans and other information: